

MINUTES

CRESSKILL PLANNING BOARD

JUNE 13, 2017

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

Members present at roll call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Mr. Calder, Mr. Durakis, Mr. Mandelbaum, Mr. Moss, Mr. Ulshoefer and Mr. Malone. Ms. Bauer arrived at 7:33 PM. 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 May 23, 2017, meeting. The motion was seconded by Mr. Durakis. All present were in favor of the motion. Motion approved.

Correspondence

Notice from the Borough of Bergenfield stating that the Bergenfield Planning Board has scheduled a meeting for June 19, 2017, at 8:00 PM in the Council Chambers for the purpose of holding a public hearing to amend/adopt the periodic re-examination report of the Master Plan and Development Regulations of the Borough of Bergenfield. File.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated May 30, 2017, sending Mr. Russ Lupino to this Board for approval. He would like to construct a four building, 18-unit townhouse development at Legion Drive, Broadway and Division Street. The owner is Legion Drive Associates. No one was present. No plans have been received.

Letter of Introduction from Mr. Edward M. Rossi, Construction Official, dated May 2, 2017, sending Mrs. Amir to this Board for approval. She would like to construct a new single-family residence at 94 Park Avenue. She has previously gone to the Zoning Board and received all of the requested variances. Mrs. Amir was present. She stated that she was not aware that she needed to come to this Board since she received all her variances from the Zoning Board. Mayor Romeo asked if she had the plans for the new house since the Planning Board has not received them. She had one copy and noted that she brought them in to the Borough Hall. Mayor Romeo suggested that she leave the plans with Mr. Azzolina so he can review them and if everything is acceptable in two weeks, we can have a ruling. Mr. Azzolina noted that he doesn't know anything about the application. Mrs. Amir stated that if she needs to do anything else she would like to know now. She thought if she came today she could get an approval today.

Ms. Bauer asked if this was one with an FAR in it. Mrs. Amir stated that it is. Mayor Romeo noted that it has to come before the Planning Board. She got the FAR from the Zoning Board and now it has to be reviewed by the Planning Board for site plan approval. Mr. Azzolina will look it over and report on it at the next meeting. She said she gave 15 copies to Ms. Barbara Nasuto. She gave her name and phone number to Mr. Azzolina in case he has any questions.

Subdivision Committee

Councilwoman Tsigounis had nothing to report.

Report from the Borough Engineer's Office

Mr. Azzolina noted that he had nothing new to report other than the two reports he prepared for tonight's Public Hearings.

Old Business

Ms. Donna Vellekamp was present regarding 2 Piermont Road. Mayor Romeo stated that Mr. Schuster's findings after the last meeting is that they don't fit the parking. Ms. Vellekamp noted that they have different calculations. Mr. Martin Santini was present representing the applicant, Mr. Kyong Yu, who would like to open a deli/pharmacy at 2 Piermont Road (Hamrah's building). Mr. Santini explained that this project was approved by this Board back in February for the interior use. There are 30 parking spaces on site. At the time they were here, they illustrated calculations that only 29 would be required. Since there are new plans for this project and he has them to show the Board, he doesn't know if the Board has received them or not. He was informed that the Board has not received them.

Mr. Santini explained that the last time they came there was going to be a deli and a pharmacy and offices. Mayor Romeo stated that there was no pharmacy. Mr. Santini stated that there was retail use. Mayor Romeo said that they had their retail use in the deli. Mr. Santini said the deli and/or pharmacy. Mayor Romeo said there was no and/or pharmacy. Mr. Vellekamp explained that when 2 Piermont came originally, they showed the office and downstairs warehouse and they projected that it would be a deli. Now her clients want to do a deli/pharmacy combination. It is all the same square footage downstairs, they are not adding any upstairs or anything else. Mr. Yu is a registered pharmacist and has two other places that do this. They have laid it out more carefully to show the Board where the deli would be and where the pharmacy would be. They also presented pictures of his current operation.

Mr. Schuster asked how many employees he was going to have at this deli/pharmacy. Mr. Yu said about 4-5 employees. He will have two people in the pharmacy and two or three in the deli. Mr. Schuster noted that according to the internet, he has six people working in the pharmacy in Palisades Park. Mr. Yu said he has 6 people but they work at different times.

Mr. Moss asked what the changes are. Ms. Vellekamp stated that when they came last time they projected a full retail downstairs and 29 spaces were required and there are 30 spaces on the site that are available. Mr. Santini noted that this is the plan that was presented before and they received approval by this plan to go ahead. Ms. Vellekamp noted that when you do the calculations now, based on the warehouse use from the second floor and the first floor, Mr. Santini arrives at the conclusion that they really only need 24 spaces and there are 30 on the site. Mr. Santini stated that based on the plans drawn by the applicant's architect, the first-floor deli/pharmacy would consist of about 8,000 square feet. Office/warehouse is based on one space per 300 square feet. Mr. Schuster asked where it says that. Mr. Santini said it says it on his computations. Mr. Schuster asked where in the ordinance can it be found. Mr. Santini said it is under the section that is called "unlisted" in the ordinance and that section is I of the notations under the uses. Mr. Schuster asked what the code section was. Mr. Morgan stated that he doesn't remember a pharmacy being mentioned at all last time. Mayor Romeo stated that it wasn't.

Mr. Santini noted that it is in Article 16, Section 275.69, and there is a whole list of uses and at the bottom of the page it says "unlisted uses – for all other buildings or uses not specifically delineated in the schedules, the Planning Board shall determine the minimum required parking spaces." He stated that the Planning Board determined it before. Mr. Schuster said that it does not set a specific number of spots so it is at the discretion of the Planning Board. Mr. Santini said that when he came here back in February

with this plan with the parking calculations on the bottom of the plan, this was approved by the group and said they could proceed with this project based on the same calculations that he just provided.

Mayor Romeo asked if they got what they wanted when they left, why did they have to come back. Mayor Romeo said it was because they changed the plan. Ms. Vellekamp stated that they did not have a tenant at the time that the owner came before the Board. Mayor Romeo noted that he made a separate entrance and showed a picture of how he was going to put a cage across and that was going to be a separate store. Ms. Vellekamp stated she believed that was when it was all going to be a deli. He has redone the inside, there is no access to the second floor. They hadn't started doing anything at the time they were here. The only difference is they are taking part of the square footage downstairs and instead of doing all deli, they are having a small area that is pharmacy. It has some racks that will sell band-aids and things like that. The use is really the same. They didn't add any square footage and they didn't take any square footage away. When they were here before, they talked all deli and they had enough parking based on the calculations of 175 for that use and 300 for office. This again, all it is, is a different use inside, they are not creating any more parking. If they are going to use how many seats are in the proposed deli, then the parking for that entire front half is actually less than what was required when it was all just a deli. They are taking it down from 29. Now they know exactly what the use is going to be and how it is going to be laid out, in terms of storage and restroom and they have taken the number down to 24 by the different use.

Mr. Moss asked if there were any changes on the second floor. Ms. Vellekamp said absolutely no. That is what was done here before. Upstairs is all offices. They do not have any retail use. People are not coming and going. They only have employees. There is no foot traffic coming in and out. Councilwoman Tsigounis stated that she remembers this gentleman coming in in the interim and mentioning that he was a pharmacist and was interested in actually having some retail for pharmacy. Ms. Vellekamp noted that they have done a lot of work at the building so far. He has done all sorts of things to bring it up to date. They just want to go into the bottom and have a portion of it a deli and a portion of it the pharmacy and she believes that the parking goes down based on the pharmacy use as opposed to a full deli use. They are just tenants. The rest of the building is owner-occupied.

Mr. Ulshoefer noted that they said they would have approximately 5-6 employees. Is that factored into the 24 spaces or where are they going to park. Councilwoman Tsigounis noted that the parking is based on the square footage. Mr. Ulshoefer understands that but noted that nobody in this room can determine how many people are going to come into the pharmacy or the deli at any given time. You can easily exceed 30 and there are places that it happened in town that it exceeds it and you can't even park there. Ms. Vellekamp believes it is all in the calculations. She thinks it is taken into account somewhat in what is required for certain uses. Mr. Ulshoefer stated that in theory only 18 people, other than the employees, can go there based on that 24 spaces then. He noted that when you go to most pharmacies, usually there is a line. It is not like you walk in and you get your medicine right away. Ms. Vellekamp noted that this is not CVS, which has a much heavier business. He will also have a delivery service which she thinks a lot of people are going to use and they will use this as a small pharmacy so they would have things delivered rather than coming in to the site. With pharmacies, you are in and you are out. Even with a deli, you are in and you are out. If anything, they think they are below what they approved in January, which was 29 spaces based on the use of a deli in the entire space. Based on the part use now as retail, they think they meet those requirements and it should be approved.

Mayor Romeo asked Mr. Schuster if they were asking for a variance or not. Mr. Schuster stated that he doesn't have a complete set of plans about exactly what the layout is going to be so there is no application before us for a variance for parking. Mr. Santini said that these are updated plans dated June 2, 2017. Councilwoman Tsigounis asked Mr. Schuster what his hesitation or concern was. Mr. Schuster noted that the question as presented is, is there adequate parking. The answer is no. Councilwoman Tsigounis stated that according to her understanding, parking is based on a code requirement and according to their calculations, it's a square footage based rule. Mr. Schuster said that it is based on the use. He doesn't know how he got his figures. Mrs. Vellekamp asked Mr. Schuster if in his calculations that he met, is there a difference between the deli use and a pharmacy use in terms of square footage parking per. Mr. Schuster stated that the commercial sets forth what the requirements are. It is in the commercial zone. Mrs. Vellekamp stated that there would be no difference between a deli and a

pharmacy and at the time that the owner came in in January, it was approved that 29 spaces were necessary and she believes that 30 were provided. They have not gone into a different section of the code. All they are doing is having a different use but they still have the same calculations. Mr. Schuster noted that that is why all bets are off. Mrs. Vellekamp stated that it is just a new use of a portion of the first floor. It would still fall into the same calculation as to parking. The parking wouldn't change from when they were here for a deli. Mr. Schuster said they got a break the first time which they probably shouldn't have gotten and he is not going to get into that. Mrs. Vellekamp said that it was approved. Mr. Schuster stated that there was no resolution of approval for that. Mrs. Vellekamp noted that there was a discussion and it was approved by this Board and she has the minutes from the meeting.

Mayor Romeo stated that this building was originally a single occupancy. Now, this gentleman comes in and we want to help him make a go of it and asks for double occupancy. So, we approve that. Mrs. Vellekamp notes that it is not this gentleman. He is not the owner. The owner came in and asked. Mayor Romeo noted that now, they have come in a third time and the plan has changed. Mrs. Vellekamp stated that it is their first time here and it is only because her client wants to do the deli but his concept is a deli/pharmacy. He is not the owner. He saw the space. He likes the space. He likes the town. He thinks it would be something good. So, he is here in order to enter into a lease with the owner just asking for two uses in the same area. Just taking what was already approved and just turning it into something different which would make no difference in a calculation based on what was approved for the upstairs office space. Mayor Romeo stated the owner got his approval for two occupancies. Mrs. Vellekamp noted that she doesn't believe that it was specific to a deli, he thought it would be a deli. He did not have plans for a deli. Her client was not involved at the time. He came to him after. So, again, it is the same calculation per square foot. There is no difference in the use.

Councilwoman Tsigounis stated that the way she looks at it is it is still retail/commercial. Personally, she does not have a problem with it. She is not seeing an issue. But if somebody can say what she is not seeing, it is a permitted use within the zone. Do we restrict them from putting in a deli or a make-up store or a pharmacy? Mayor Romeo stated that the problem here is very simple. They came in for one thing and now they want something else. That is what's happened here. Mr. Santini doesn't agree with that. Mayor Romeo feels that they sent this guy in because the owner doesn't want to come back in because the owner got what he wants so now he is going to try to get this gentleman to get a third thing in there. Mr. Santini noted that it is a retail use. Mayor Romeo thinks it is going to be an increase in traffic because it is a separate use for the pharmacy and then a separate use for the deli. Mrs. Vellekamp stated that if it was twice as much deli they could put twice as many people. The calculation is the same. Mayor Romeo stated that when this thing was built it was one occupancy. So, we tried to help him out by making it two occupancies. He asked if upstairs was completely an office space. And the righthand side is what? Mr. Santini noted that the righthand side is the deli and the lefthand side on the ground floor is office use connected to the second floor for the owner-occupier of this property.

Mayor Romeo asked who owned the deli. Mr. Yu owns the deli and the pharmacy. He will be the tenant and he will operate both. Mayor Romeo stated that this would have gone a lot better if they were up front with this when they first came here. Mr. Ulshoefer noted that they stated that Mr. Yu has two pharmacies right now. He is sure that the gentleman is very versed on what he is doing, so when he comes in and wants a deli and now all of sudden he wants a pharmacy too. Mrs. Vellekamp stated that he was here but that was on this application and we were just asked to come back because the paperwork on their request that they were told to make had not even been circulated. So, this is the first time they are speaking to the Board substantively about this application. Mr. Yu is not an owner of the building. He wasn't involved when the owner bought it. He wasn't involved when the owner came here in January. Once the gentleman got the approval to have a use down on the first floor, then he put it out there for rent and her client was interested in coming to this area. He lives in Harrington Park. His other stores are in Fort Lee and Palisades Park. He is looking to build a business here to expand his other two businesses. He did not have any idea when the owner came in here. Her client came to him after to lease the space. To now put some other requirements on the tenant because you are upset with the owner is unfair. Mayor Romeo noted that they are not upset with the tenant. He stated that they changed the use. They changed what they originally came in for. Mrs. Vellekamp stated that they were never here before. He cannot say that they changed the use. Mr. Yu's use was always going to be a deli and a pharmacy. He was not involved when they came in and asked for a deli.

Mr. Schuster asked if they were asking the Board to change the approval that was given to the owner. Mrs. Vellekamp said yes, by just allowing them a different use. It would not change the parking the way they did it before. It simply is half of it for one thing and half of it for another. It is a large space for just a deli. Mr. Azzolina had one question after seeing the calculation for the first time. What is the deduction for the back of house. Mr. Santini noted that the deduction for the back of house is all the storage spaces. Mr. Azzolina doesn't believe that is recognized in the code. It is based on the total square footage for the entire space. Mr. Santini said it was based on the usable area according to the construction official when they met with him. Mr. Azzolina stated that he can't comment on what the construction official told him, but the way the code reads, it doesn't make distinctions between usable space, back of house, etc.

Mr. Schuster stated that the problem he has with this whole thing is that they are trying to bootstrap this whole thing in here based on a prior approval and he is not so sure that is appropriate. Mr. Santini stated that it is a retail use and it is approved as a retail use. Mr. Schuster noted that there is also a question about how they calculated this whole thing out. He would look at the original file to see how they figured it out then. Maybe that was inaccurate too. If that is the case, he thinks they have a problem as far as the original application is concerned. Mrs. Vellekamp stated again that they are simply asking to have another retail use in the same space. Not another complete business, they will be tied together. There are no interior walls separating them. They may have the same customers coming in to get a sandwich and pick up their medication. It is not two separate entities. It is one entity open to each other, other than when the pharmacy is closed, there will be a gate that will close it off for security purposes.

Mr. Morgan stated that the Board would like to do a little research on this and if they would come back to the next meeting the Board should have a report for them. Mr. Schuster also noted that if they are relying on certain calculations, he thinks the Board needs a breakdown of the square footage of the place, especially due to the fact that there are interior changes being made because the open area of the building is being closed off. The old store had an open area. That has all been closed up and now you have addition square footage. His understanding is that was included in the original request in the new uses but he hasn't seen any of the dimensions or anything like that for anybody.

Councilwoman Tsigounis looked at the plan and noted she understands what they have done, but that is not the way the ordinance structures it. This might be showing what they will actually require but the parking calculations should be based on the entire square footage. Mr. Santini noted that it doesn't say that in the zoning ordinance and the zoning ordinance is silent on a lot of the uses. Councilwoman Tsigounis stated that, with all due respect, and she has appeared before Planning Boards too, and she knows it has happened to her and she has tried to justify the use by showing that certain areas will actually be storage, but the ordinance is based on, like Mr. Azzolina said, the entire square footage. This is good to have, but he should consult with Mr. Azzolina on how our ordinance for parking is defined. At least then we will know how he is coming up with the calculations. Mrs. Vellekamp also noted that they were relying on what had been approved if it was a deli use. Councilwoman Tsigounis informed them that the Board needs to think about and will discuss it as well. Mrs. Vellekamp read from the minutes when it was approved and it stated that they were supplying 30 spots and only 29 spots were required and that is what was approved.

Mr. Morgan asked them to come back to the next meeting and Mrs. Schuster asked them for the plans.

Resolution for Application #1500, 169 5th Street, Frank DeCarlo. Mr. Ulshoefer made a motion to introduce the resolution, seconded by Mr. Durakis. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Durakis, Mr. Mandelbaum, Mr. Moss and Mr. Ulshoefer all voted yes. Motion approved. The original resolution shall become a permanent part of these minutes.

New Business

None.

Public Hearing – Application #1501M, 1502, 1053 – 72 7th Street

Mr. Dean Stamos was appearing on behalf of Mr. Mark Madaio, who had a conflict this evening. He is representing Matkal Realty LLC for Applications #1501M, 1502, and 1503, 72 7th Street, Block 51, lots 1096 and 1102. This is basically a lot line adjustment case, a minor site plan. It creates two fully conforming lots. There are no variances associated with the applications. He has the engineer and architect here to give testimony. Mr. Schuster stated that they were coming in for a subdivision and site plan approval for individual applications.

Mr. Robert Zampolin, 187 Fairview Avenue, Westwood, NJ, was sworn in by Mr. Schuster. He is a licensed architect in the State of New Jersey. His license number is AI09185 and is presently in good standing. He has appeared before this Board about 25 years ago. He has appeared before many Boards in the State of New Jersey. He has been in private practice for 32 years. He was accepted as an expert in architecture for the purposes of today's hearing.

Mr. Stamos asked Mr. Zampolin if he was familiar with the properties and the proposed design. Mr. Zampolin noted that he was. The houses are fully conforming in terms of all the bulk regulations, FAR and coverages. Each lot, after the lot line adjustment, is 10,000 square feet, so the finished square footage of each will be just slightly less than 3,000 square feet on two floors. The houses have two-car garages, front facing. Basically, they have all the accoutrements of what houses are expected to have. In terms of elevations, the house styles are going to be done kind of in the American shingle style architecture. They are going to have 2" real stone veneer, all hardy planked with extensive use of crown molding and trim details around the windows. They have a series of gable roofs. As you walk into the entrance door, there is all covered entrances proposed in both designs. To the right is a living room/library and they brought the rooflines down just a little bit to add interest. In one of the homes they have a turreted concept. In the other home, they have a gable concept. But those rooms will have volume ceilings. The entrance foyer also has a volume ceiling in one of the homes. The homes have five bedrooms in total, four bedrooms on the second floor, with a lovely master suite with his and her walk-in closets, nice master bathroom. The three children's bedrooms, two bedrooms will share one bathroom and the third will have an in-suite bathroom. The floorplan on the first floor is mostly an open plan. It is very popular now. It is actually defined with soffits and pillars now. There are really less walls. The only walls are really for the back wall, the powder room and the butler's pantry. Everything else is pretty much wide-open space. That is what people are expecting in houses today.

On the other home, the floor plan is essentially the same on the first floor, but they changed the second floor dramatically, because obviously they don't want to have two identical houses adjacent to one another. They relocated the children's bedrooms just to create a different methodology of the roof lines with a cantilevered roof projection over the garages and gable roofs that are located at the covered entrance and they changed the turret element and the living room/library to a gable element. The same materials in terms of the hardy plank and the real stone veneer, crown molding details and the louver details in the gables, but it is the same style with obviously totally different roof massing. He is sure they will vary the colors and materials from one house to the other. Mr. Moss asked if the square footage was identical in each. Mr. Zampolin noted that they are virtually identical. They kept it as close to the FAR as possible.

Mr. Zampolin marked the architectural plans dated April 6, 2017, as Exhibit A1 for Applications #1502 and #1503. Mr. Schuster asked how many bedrooms were in the houses. Mr. Zampolin noted that there were five bedrooms including one in the basement. Mr. Schuster asked what else was in the basement. Mr. Zampolin noted that they are showing just an open recreation area, media room, optional bar/lounge, and the mechanical storage. The ceilings are nine feet. The square footage on the two floors is a little less than 3,000 square feet. The basement, first floor and second floor all have nine foot ceilings. The

garages are attached to the sides. There is living space over the garage. The total living space is 2,992 square feet, allowing for 440 square feet for the garages. The first-floor living is 1,520 and the garage is 440 so the footprint is 1,960 square feet. There is another 38 square feet for the covered entrance portico.

Mr. Sean McClellan, 101 West Street, Hillsdale, NJ, was sworn in by Mr. Schuster. He is a licensed engineer and has been here many times before. His license number is 45194. It is presently in good standing. He was accepted as an expert engineer for the purposes of this hearing. Mr. McClellan is familiar with the site plan for Application #1501M. There are two lots. Lot 1096 is 150 x 100 feet. There is currently a two-story house on the lot, which is actually non-conforming in the front yard and side yard. The front yard is 10.8 feet where 25 feet is required and 10.7 side yard where 15 feet is required. By removing that house, they will be eliminating those non-conformities. Lot 1102, to the south, is 50 x 100 feet. That lot is non-conforming as it presently exists. It is vacant but it is 50 feet wide where 100 feet is required and 5,000 square feet where 10,000 is required. The property slopes from the front to the rear. There are some trees and it is a little bit overgrown. They are proposing to put the lot line right in the middle, which will give them two 10,000 square foot, 100 x 100 foot lots. There are no variances.

Mr. Stamos stated that in reviewing the drawings, the homes will have all compliant setbacks. Mr. McClellan noted that, as Mr. Zampolin testified, they meet all the setbacks, front, rear, side, combined side, impervious, building coverage and also, FAR. They are proposing two 1,000-gallon seepage pits, one for each lot to handle all the storm water runoff from the roof tops. Mayor Romeo asked about the runoff going into the backyards. He asked if that would be a problem with the drainage. Mr. McClellan noted that the tanks will be in the rear yard. They will check the percolation. There are eight trees that will be removed. The driveways are front loading. Even though the property slopes from the front to the rear, they designed it so the driveways pitch towards the street to alleviate any drainage problems with the garages. By doing that, they still are able to maintain the height under 28 feet. There are patios in the rear. The site plans for Application #1501M were marked as Exhibit A1. The subdivision plan was marked as Exhibit A2.

Mr. Morgan opened the meeting to the public. Mr. Mario Pascarello, 67 6th Sreet, Cresskill, wished to be heard and was sworn in by Mr. Schuster. Mr. Pascarello lives right behind the subject property. He is concerned about the two houses and patios in the back. Up until today, he has never had water in his basement. Not one drop. He is concerned that once they put these houses in, with patios and everything else, he is going to get water in the basement. He wants to go on record that if he does get water in the basement, the builders will take care of his problem. Mayor Romeo noted that his point is well taken and that is why he asked him about the tanks to make sure, and the engineer will also check the drainage in the back to make sure you don't get any water. Mr. Pascarello stated that the property slopes down and now they are saying they are going to build it up and where is the water going to go, because the garage is going to be level with the street. Making the garages level with the street means you got to come up with the foundation to make the house level. Mr. McClellan stated that currently, both lots drain towards Mr. Pascarello's property. When they build the houses, that area that those houses will take over on the lot, now go to the seepage pit. The areas where the driveways go, which currently drain towards your lot, now goes to the street. He is going to have less water going towards his property after construction. Mr. Pascarello just wanted to make sure because if he does get water in his basement, because he doesn't have a drop now, that the builder is going to take responsibility if he does.

Mayor Romeo asked Mr. Azzolina to check this to make sure there is no problem. Mr. Azzolina stated that he had a conversation with Mr. Pascarello this morning about this same topic. Mr. Pascarello also noted that there are septic tanks in the back of the property that have to be removed. Mr. Azzolina noted that there are existing cisterns or septic tanks and that is one of the comments in his report. Mr. McClellan stated that there are two concrete lids in the back of the property and they are not sure what they are. The property is too overgrown. Once they start developing the property, if they are seepage pits, they will fill them in, if they are septic tanks they will pump them out and fill them in and abandon them. Mr. Pascarello wanted to know why they can't just remove them. Mr. Azzolina thinks removal is the preferred option. Mr. McClellan agreed that they will remove them. Mr. Azzolina stated that based on the conversation with Mr. Pascarello this morning, he advised him that the former owners of the property

advised him that they were in fact septic systems. It is an older house on the property and it is not uncommon.

Mayor Romeo asked the builders if there was any chance of any privacy or bushes in the back so you don't impact on the houses on 6th Street. The builders, Rock Solid Builders, stated that they will put up a fence. Mayor Romeo also stated that there is a tremendous amount of bamboo and willow on that property. He asked that they take it all out because it is against our code to have bamboo or willow. The builders agreed to remove it.

Mr. Morgan closed the meeting to the public.

Mr. Stamos and Mr. McClellan noted that they have no problem complying with the notes in Mr. Azzolina's report.

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

Public Hearing – Application #1504 – 51 Roosevelt Street

Mr. Dean Stamos was appearing on behalf of Mr. Mark Madaio, who had a conflict this evening. He is representing Perrine Associates LLC and Mr. Martin Lucibello. The application is for a renovation of a home on an existing undersized lot with some bulk variances. Mr. Michael Hubschman is present as their engineer and planner and also the architect will describe what is proposed on behalf of the applicant.

Mr. Michael Hubschman, 263 South Washington Avenue, Bergenfield, NJ, was sworn in by Mr. Schuster. He is a licensed professional engineer and planner in the State of New Jersey. He has appeared before this Board many times. His license number is 29497. His license is in good standing and he was deemed an expert in engineering and planning. Mr. Hubschman or someone in his office prepared the site plans and surveyed the property. He stated that it is a new house, not a renovation as previously stated by Mr. Stamos.

The property is located on the westerly side of Roosevelt Street, south of Lexington. There is a small cul-de-sac at the end of the street. It is a dead-end street. The lot is 65 x 114 on the longest leg. It is 7,215 square feet. It is undersized for the R10 zone, which requires a 100-foot frontage and 10,000 square feet, so those are two existing non-conformities. They are proposing a single-family house. It is shown as four bedrooms upstairs and there is one bedroom shown on the architectural plans in the basement. There is a two-car garage proposed. They are requesting three variances for the property. They are requesting a variance for the side yard on the south side. They are trying to fit the two-car garage in so that necessitates that less of a side yard on that side. The existing house is about the same dimension on that side of 7.2 feet. They tried to situate the house far from the north house because that house is only about 7.5 feet off the property line. They tried to hold the 15 feet on that side and 7.2 on the south side. They will be 29 feet and 27 feet away from the houses on either side. They are trying to keep, as near as possible, the 30 feet between the dwellings.

Building coverage is slightly over by 319 square feet. It is 24.4%. The architect will go into that. It is actually a very modest house. It is only a 2,600-square foot house. The bedrooms are 10 x 12, but the architect will go through that. The impervious coverage is 184 square feet over. That is really a function of the two-car driveway. Most of the lots in the neighborhood are similar size, about 65 x 100, as you can see by the key map. They are all pretty narrow. There is some redevelopment in the neighborhood. The house to the right looks like it was recently redeveloped and that has a one-car garage. They are all kind of at odd angles. This house is more parallel to the road. They are trying to be parallel to the side lines.

Mr. Moss asked what was happening with respect to the garage and the variances. Mr. Hubschman stated that the two-car garage necessitates another almost 200 square feet of building coverage for the

one additional garage. Mr. Moss asked how that effected the side yard. Mr. Hubschman noted that the architect will explain that more, but it is either this type of house or more of a raised ranch type of house that you end up with. This is a more attractive house, a Colonial looking house, rather than a raised ranch where you have a garage and basically a hallway. Everything site-wise and drainage-wise, everything drains towards the front, so there is no runoff on neighbors. They are proposing a seepage in the front. The site slopes up in the back. The existing house sort of humps up if you went up and looked at it. The first floor is about maybe five or six feet above the street. They are sort of in that same sort of design because you have the back and they don't have to cut a great deal in the back even though they are cutting some out similar to the neighbor to the right. He has a wall about halfway through, a four-foot wall, because those lots slope up towards Concord Street.

Mr. Stamos noted that he mentioned that the existing condition was very much similar on the side yard. Mr. Hubschman said that the side yard was shown on the other sheet, sheet 2, which has the existing house, and the side yard is currently 7.5 feet. The bedrooms above the garages are shifted in two feet so it is 9.5 feet to that second story area. There is no FAR. The livable area is 2,603. It is a small house for the lot.

Mr. Ulshoefer said that Mr. Hubschman is saying that it is a modest house and he understands why he is saying that, but at the same time, he said that the house that was modernized or rebuilt to the right has a single-car garage, where he is adding a second-car garage, which if you didn't do you wouldn't have a problem on the left side. Mr. Hubschman noted that the existing 7.5 feet is a single-car garage. Mr. Ulshoefer noted that the variances were a lot different when those houses were built. Mr. Hubschman stated that he could shift it more. Mr. Ulshoefer said that 2,600 square feet is not tiny. He is saying modest because he only has a 60-foot frontage so his constraints are based on the size of the property, otherwise, if he had a 100-foot frontage obviously he would build a bigger house there. Mr. Hubschman stated that with a 65-foot width, they are proposing a Colonial type house and, considering the architecture, is more the reason for that width than putting a raised ranch or a house that is really a two-car garage with a door on the side like you see on a 50-foot lot. The aesthetics play a big part into why they are seeking that, and they do cut back to 15 feet on the rear to shift it over. There is 29 feet between the houses.

Councilwoman Tsigounis noticed that the house seemed to be centered between the two houses anyway even though it is not centered on the lot. Mr. Hubschman agreed. He has 15 feet on the north and 24 feet to the house. Mr. Stamos stated that they would be decreasing that distance if they were to try to increase the side yard on the south. Mr. Hubschman said that they have a greater distance to the house on the left. Mr. Calder said that the two-car garage is exacerbating the problem. Councilwoman Tsigounis asked to hear from the architect.

Mr. Miguel Martin, 24 Railroad Avenue, Tenafly, NJ, was sworn in by Mr. Schuster. He is a licensed architect in the State of New Jersey. His license number is AI18430. It is currently in good standing. He has never appeared before this Board before. He has not appeared before any Board in Bergen County but has appeared before Boards in the State of New Jersey. He was deemed an expert in architecture for the purposes of today's hearing.

Mr. Martin is familiar with the drawings presented. The engineer's plans were marked as Exhibit A1. The architect's plans were marked as Exhibit A2. Mr. Martin noted that the proposed house is a partial center hall Colonial. The idea was to bring the living room part to the front. It is roughly 12 x 12. Behind it is the dining room, the family room, and the kitchen in the rear. There is a two-car garage proposed on the left side of the hallway. Upstairs there are four bedrooms, all modest in size at about 12 x 12 feet each, except for the master that is roughly 15 x 15. In the basement, there is an additional bedroom that is proposed that is 11.8 x 12.4, an exercise room in the rear that is 15 x 15. As far as the front elevation, the idea was that the houses they designed in Cresskill, the majority have had two-car garages which is kind of a standard for the neighborhood. The idea was they felt it wasn't appropriate to slide the garages in front, which would eliminate the living room, which the result would have been just a forward-facing garage and door into the house. The other benefit to sliding the garages to the left, it creates that nook in the rear of the property where they hide the two condensing units and the electric generator.

On the right side, they are proposing a variance because of the foundation under the chimney as opposed to a cantilevered fireplace. The fireplace is only projecting one foot into the setback. It is his understanding that typically cantilevered fireplaces are permitted in the setback provided it is cantilevered. The idea behind the foundation under the fireplace is because they are proposing stone around the exterior. Visually they want to bring that stone down to the ground and also to improve the structure integrity of the wall there. To go over the impervious coverage, they are proposing a 16 x 13 patio in the back. The width of the driveway of 20 feet they feel is the minimum for a two-car garage. Anything smaller tends to be an issue for most of their clients. The home conforms with the FAR at approximately 2,600 square feet, with the first-floor finish area being about 1,266 square feet and the second-floor finish area being 1,317 square feet. The basement has a finished area of 1,030 square feet. There is a bedroom in the basement.

Mr. Stamos noted that Mr. Martin mentioned that the bedrooms upstairs were a modest size. Mr. Martin stated that the kids' bedrooms were about 12 x 12, which tends to be on the medium to small side, but they are OK. The total square footage of the building is 3,048, of which 440 comes out for the garage, leaving 2,603 of livable space.

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

Mr. Ulshoefer asked about the oak tree that borders the property next to him. He wanted to know if it was going to be removed. Mr. Martin noted that it is going to be staying. Mr. Ulshoefer asked how many trees were going to come down. Mr. Hubschman stated that four in the rear are coming down, three cedars and a cherry tree on the right. There is an 18" cedar, 10" cedar, 8" cedar and a 15" cherry. They are about six feet off the property line all the way in the back. Mr. Ulshoefer asked if they were coming down for convenience because they don't look like they are in the footprint of the house. Mr. Hubschman noted that they are trying to level the rear yard and they are proposing a four-foot wall around that rear and leveling it out.

Mr. Morgan asked if they reviewed the engineer's report and if they had any problems with it. Mr. Hubschman stated that he reviewed it and had no problems with complying with it. Mr. Azzolina needed one further clarification from the applicants. He wanted to make sure they know that they can't cut the tree down that is on the neighbor's property, but there is a major limb that projects across the property line. He wanted to know what their proposal was relative to that limb. Mr. Lucibello stated that they haven't even discussed that, but if it is a problem, they would cut it. Mr. Azzolina envisioned it as being a problem and was wondering if they had spoken to the neighbor yet so they don't get a call. Mr. Lucibello stated that it is his understanding that if it is hanging over his property, he is allowed to cut it. Mr. Schuster stated that the problem with that is if it impairs the life of the tree than you have a problem. Mr. Azzolina noted that it is a major limb that projects currently almost to the far side of the house. It is going to do the same to the new construction and he sees that as a potential issue.

Mr. Calder asked again about building with 7.2 feet from the property line and talking about building a five-bedroom house on a lot that is 65 feet wide. Would they consider a four-bedroom house that would be more in keeping with the character of the neighborhood. Mr. Martin stated that he believes the issue here is really the garage. Even if he reduced the number of bedrooms, they would still continue to have the issue of the two-car garage. Mr. Calder said that a one-car garage would be more in keeping with the neighborhood. Mr. Martin stated that that is the immediate street. He designed houses in the neighborhood and he counted at least seven in the last year and they have all been proposed with two-car garages. Mr. Calder asked how big the lots were. Mr. Martin couldn't answer that right now. Mr. Hubschman noted that they have never done a one-car garage on anything. He has done 65-foot lots and they have all been two-car garages. Mr. Calder asked if he remembered what the set-back was on that. Mr. Hubschman didn't remember. He explained that this lot is on an angle so that 7.2 is just at the front corner. It does get much wider as you go back on the property. Mr. Stamos stated that today's modern family seeks a two-car garage. Mr. Martin explained that they are proposing basically the bare bones, what your typical homeowner is looking for now-a-days and they meet the FAR. Mr. Stamos stated that the existing side yard is de minimusly different by three or four inches.

Mr. Hubschman explained that this is a C2 variance. There is some hardship associated with the property with the slope and width, but it is mostly a C2 variance where the benefits of granting it outweigh any real detriments to the neighborhood and to the zone plan, where the house meets the FAR requirement. It is a very aesthetically pleasing house and will enhance the property values in the neighborhood. It is not over burdensome to the neighbors. They tried to design it to center it between the two existing houses. He doesn't feel it is a detriment to the other homes in the neighborhood. Mr. Schuster asked how the house compares to other houses in the area. Mr. Hubschman noted that there are a few redeveloped houses and a lot of older homes in this area. The size is compatible to the ones that were redeveloped, but there are some smaller homes. The lots in the area are all basically 65-foot widths by 90 feet to 150 feet. Mr. Calder asked, with respect to the hardship variance that they are requesting, they are suggesting that the only feasible improvement from the property is a five-bedroom house? Mr. Hubschman stated that there are two types of variances, a C1 and C2. A C1 is a hardship variance, which has to do with the property. They are here seeking a C2 variance, which is more that the benefits of the variances outweigh any detriments. There is a 35-foot total side yard requirement, so if we are going to build a 25-foot wide house here, that would be a detriment, that is sort of where a C2 type comes in. There is a hardship that comes along with a C2 but that is not really what they are seeking.

Councilwoman Tsigounis made a motion to approve as presented. With all due respect to Mr. Calder's comments, Councilwoman Tsigounis stated that it is difficult to try to build a one-car garage home in today's market. She likes the fact that it just seems to be bulk-wise fitting in to that area proportionately and in contextually with the homes adjacent to it. The motion was seconded by Mr. Moss. On Roll Call: Mayor Romeo, Councilwoman Tsigounis, Mr. Morgan, Ms. Bauer, Mr. Durakis, Mr. Mandelbaum, Mr. Moss and Mr. Ushoefer all voted yes. Mr. Calder voted no. Motion approved.

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 9:02 PM, seconded by Mr. Durakis. All present were in favor. Motion approved.

The next four regular Planning Board meetings are scheduled for June 27, July 11, July 25 and August 8, 2017, at 7:30 PM in the Borough Hall.

Respectfully submitted,

Carolyn M. Petillo
Recording Secretary