

Regular Public Meeting of the Englewood Cliffs Planning Board
Minutes
November 14, 2013

The Regular Meeting of the Englewood Cliffs Planning Board was called to order by Chairman Edwin Fehre at 7:30 PM.

Present at Roll Call:

Mr. Fehre
Mr. Dooly
Mr. Trovato
Mr. Kilmartin
Mr. Chinman
Mr. Nikow
Mr. Kim, 1st Alternate
Mr. Surace, 3rd Alternate
Mr. Kim, 4th Alternate
Councilwoman Simon

Absent:

Mrs. Rosenberg
Mayor Parisi
Mr. Duffy, 2nd Alternate

Also Present:

Bernard Mirandi, PE, of Boswell Engineering, the Borough's consulting engineer
Kate Walsh, Esq., of Kates Nussman Rapone Ellis & Farhi, the Board's attorney.

Public notice of this meeting has been given in compliance with the Open Public Meeting Law by advertisement in The Record, The Star Ledger, and posting of notice on the municipal building bulletin board at 482 Hudson Terrace.

Flag Salute led by: Mr. Nikow

The minutes of October 10, 2013 meetings motioned by Mr. Kilmartin seconded by Mr. Dooly were approved by voice vote.

New Business:

**Application #R-011 - Site Plan Approval w/Height, Side Yard & Circular Driveway Variances
Shin Residence -114 Pershing Road – Block 609 - Lot 4**

Mr. Mario Cereste, 1624 Center Avenue, Fort Lee, NJ 07024 attorney representing Mr. & Mrs. Shin of 114 Pershing Road for construction of a new one family home in the RA zone. The property with a minimum 10,000 sq. ft. has 17,000 sq. ft. of lot area. The proposed residence will be a 2 ½ story single family home similar to new construction in that area. The variances they are requesting are as follows: a side yard variance for a window wells which requires 10 ft. they are proposing 6.4 ft. Minimum side yards combined is 30 ft. and they are proposing 25.17 ft. The maximum height at the curb is 32 ft. proposing 32.79 ft. Maximum building height at grade is 30 ft. they are proposing 30.5 ft. A circular driveway with 35% coverage allowed they are proposing 39.29% coverage. There are flat roofs proposed for a variance as well.

Mr. Cereste's first witness is Mr. Mark Martins, P.E., of Martins Engineering, 657 Greenway Place, River Edge, NJ, 07675. Mr. Cereste asked Mr. Martins to give a description of the property as is now. Mr. Martins stated that the property has a 1 ½ story single family home with a width of 100 ft along Pershing Rd. and a depth of 175 ft. The driveway is on the right side leading to a garage which is attached to the structure, and a pool in the rear yard. Mr. Martins then described what is being proposed. They are proposing to demolish the exiting structure and construct a new single family home. There will be a circular

driveway leading to a 3 car garage on the westerly side of the property. Proposing to have a pool in the rear as well. Mr. Martins stated that they are not proposing any retaining walls on the property and will be working with the existing grade. Mr. Martins reviewed the zoning chart on the drawing in regards to what is required and what is proposed front yard setback requirement is 30 ft. and they are proposing 36 ft. The rear yard setback requirement is 25 ft. they are proposing 60.78 ft. Side yard set backs are one side minimum 10 ft. total combines of 30 ft. To the main structure of the home one side is 10.1 ft. the other side will be 22.39 ft. with a total of 32.49 ft combined. The main difference is that the main part of the structure conforms to the requirements however we are seeking variances for the 2 side yard window wells that are below grade of the structure. They will be level with the ground and will supply light and air to the basement area as well as egress. These require side yard variances one which will be 6.4 ft. on the east side of the structure and total of 25.17 ft. The maximum building coverage requirement is 24.52% they are proposing 24.46% technically not a variance but as per the engineer they stated that window wells are to be a part of the coverage. Window wells were not included in the coverage if they are to be included there will be a ½% added to the coverage which will then make us over the coverage percentage which will make it a variance situation. Building heights requirements are measured in 2 ways in the borough. One is from the mean curb and the second is by average grade plain taking the 8 points. We are seeking variances for both of these. The height from the mean curb is 32 ft. and we are proposing 32.79 ft. The requirement for the average grade is 30 ft. we are proposing 32.51 ft. The circular driveway is also requiring a variance. The ordinance requires coverage of 35% and we are proposing 39.29%. However the total impervious coverage of the lot requirement is 51% and we are proposing 50.86%. The rear yard coverage requirement is 60% and we are proposing 25%. Mr. Cereste questioned Mr. Martins if he had performed the calculations for the stormwater management for the property. Mr. Martins stated he had and given to the Borough Engineer for review. There will be 2 seepage pits in the rear yard as well as in the front yard. Prior to construction they will perform perk and soil tests of the property. Mr. Cereste questioned Mr. Martins in regards to any impact to the adjoining properties in regard to the seepage pits etc. Mr. Martins stated there will be no impact to the adjoining properties. Mr. Cereste stated he wanted to go over the letter of Mr. Mirandi from Boswell Engineering dated November 4, 2013. Mr. Cereste asked Mr. Martins to go over the report and state whether the applicant can comply with Mr. Mirandi's recommendations. Mr. Martins stated they already went through the different variances they were seeking. Mr. Martins just wanted to go over item "f" on page 3. The item was in regard to raised platforms. We are referring to the one over the front of the building which is the covered entrance and the second one in the back of the building which is a balcony over a covered porch. The front cover entrance which has railings has no access to the area. This is just a decorative feature no one can walk out on to it and sit up there. Mr. Martins stated that he has no issue with the remaining items on the letter and feels that they can comply with his recommendations. Mr. Martins then stated that the air condition and generator units will be in the rear right corner of the building.

Councilwoman Simon questioned how close the air condition and generator are to the nearest neighbor? Mr. Martins replied they are approximately 23 ft. from the property line.

Mr. Kilmartin questioned if all mechanicals are going into that location? Mr. Martins stated yes, and that the pool equipment will be located in the left rear of the property within the setbacks there as well. Pool equipment will be more than 10 ft. from side yard and over 25 ft. from rear property.

Chairman Fehre questioned why they needed the window well? Mr. Cereste requested it be deferred to the architect.

Mr. Trovato questioned the circular driveway coverage if it was to the property line or was it calculated to the street which included the 10 ft. borough right away. Mr. Martins stated just to the property line no to the street.

Mr. Cereste called his seconded witness Mr. Robert Zampolin of Zampolin Asscoaites, 187 Fairview Avenue, Westwood, NJ 07675. Mr. Zampolin described the structure of having approximately 4212 sq. ft of living space on the first floor, having a 3 car garage, entrance

will have a grand ceiling which shows that the covered entrance outside has no means of access. That is because there is no floor and will not be accessible from the second floor. Total living area for the second floor will be approximately 3500 sq. ft. with a total square footage of both floors to be 7800 sq. ft. The second floor does have a balcony that is accessible from the master bedroom. There will be 5 bedrooms in total each having a full bath as well as a staff bedroom in the basement. The staff bedroom is one of the reasons for the window well variances. The room requires egress for emergency and the window will be for that purpose. The basement will be approximately an additional 3000 sq. ft. of living space. There will be 2 window wells one on the west for egress for fire safety for the one bedroom which will be 3'x9'. The additional window well will be 3'x14' to bring in light to the basement area. It will be just the copping stone that will be above elevation along with protective fencing around well. Mr. Cereste questioned if these were an architectural detail or that they serve a functioning purpose. Mr. Zampolin stated the one in the staff bedroom is a code requirement otherwise it would be an illegal bedroom. The other is just to bring in the light which is a positive to the room. The wells will have a 3 ft. high fence around them. Mr. Cereste questioned Mr. Zampolin regarding the flat roof. Mr. Zampolin stated that the reason this happens is because of the town ordinances with height and that the designs of these multimillion dollar homes require 10 ft. high ceilings for the first floor and 9 ft. for the second floor. With that they have to design the roof in this way due to the height ordinance and make them look astatically pleasing. The design has the largest flat roof to be in the center of the building. There will be a slight pitch to the roof there really is no true flat roof. Mr. Zampolin went over the elevations of the home and described each side and what would be seen. The height will be 32.51ft. which is exceeding the height limitation by 2.51 ft.

Chairman Fehre questioned the height of the ceilings on the first and second floor as 10 ft. and 9 ft.? Mr. Zampolin agreed and stated that these heights are not the standard.

Mr. Chinman questions the height of basement ceiling? Mr. Zampolin stated that it will be 10 ft. in height which will be all below grade.

Mr. Sean Kim questioned the window well projection as to possibly pushing it in some? Mr. Zampolin stated it most likely won't work in order to get out of the window.

Chairman Fehre questioned since it is underground it is it part of the structure coverage? Mr. Mirandi stated that the code defines the window well as a structure.

Mr. Cereste questioned Mr. Zampolin on what the square footage of the window wells are. Mr. Zampolin stated that the smaller one is 27 sq. ft. the larger one is 52 sq. ft.

Mr. Chairman Fehre questioned that the only thing people will see in the side yard will be the fence around the well? Mr. Zampolin stated yes the fence and small portion of the copping.

Mr. Mirandi questioned the depth of the window wells? Mr. Zampolin stated it will be approximately 5 ft. that someone will have to climb up. Mr. Mirandi questioned the pool bathroom on the rear of the house if it will be for seasonal use? Mr. Zampolin stated it will be only accessed from outside and will not have heating inside. Mr. Mirandi questioned what type of material will be used on the flat portion of the roof. Mr. Zampolin stated some type of rubberized membrane material.

Mr. Surace questioned what the other parts of the roof will be? Mr. Zampolin stated going to be a fiberglass shingle to look like slate or slate depending on budget.

Mr. Kilmartin questioned Mr. Zampolin on how he would design the house without needing a height variance? Mr. Zampolin stated there is a way but that the house will not look good at all.

Mr. Chinman questioned if the house was to be designed 5-10 ft. narrower would the roof work then? Mr. Zampolin stated no cause of the length of the home. Mr. Chinman then questioned to do a regular roof how much would you have to shrink the home? Mr. Zampolin stated that the house would lose approximately 17 ft off the back and would not fit.

Mr. Sean Kim questioned if there will be an attic? Mr. Zampolin stated there will be some attic but no access. Mr. Kim questioned if the heights on the second floor will be 9 ft.? Mr. Zampolin stated that it will start at 9 ft. and have tray ceilings with crown moldings up to 12 ft.

Mr. Chinman questioned the coverage of the circular driveway and that there will not be much green on the front. Mr. Martins stated that there will be approximately 50 ft. wide of green in the circular portion and 8 ft. on one side and 20 ft. on the other side. There will be plenty of area to landscape.

Chairman Fehre questioned if they will state on the record to using pervious pavers for the driveway? Mr. Martins stated that he had spoken with the builder and they agree to use them for the circular driveway area. Mr. Cereste also had agreed to use the pervious pavers for approval of the application.

Mr. Cereste called his next witness Mr. David Spatz, planner. Mr. Cereste questioned Mr. Spatz to give an overview of the neighborhood and existing conditions of the property. Mr. Spatz described the current conditions of the property and the new home next to the property and other homes in the area. Mr. Spatz went over the variances that are being requested. Mr. Cereste questioned Mr. Spatz in his opinion will they meet the positive and negative issues for these variances to be granted by the board. Mr. Spatz stated that we can meet the positive and negative in order to be granted the variances requested. Mr. Spatz continued to describe all designs of the house and what the issues for the variances are and that they are astatically pleasing and are for safety issues. Mr. Spatz feels that there is no negative impact for these variances and that they are all improvements for this property. Mr. Spatz stated that the board can grant these variances without any detriment to the borough, master plan, or neighbors.

Mr. Mirandi stated that he wanted to have on the record that the applicant is also seeking a variance for the rear yard balcony that is 9 ft. above grade. Mr. Cereste stated yes they are aware of it.

Mr. Kilmartin questioned the photo of the house next to the applicants being new and if they knew when it was built. Mr. Spatz stated within the past couple of years but was not sure of the exact time. Mr. Kilmartin questioned if the house was built with a height variance? Mr. Spatz was not sure but it is similar in size to the home in the application.

Mr. Mirandi stated that the neighboring house went in front of the Board of Adjustment for several variances, but no one can confirm which ones.

Chairman Fehre questioned if the height of the ceilings in that home were 9 ft or more? Mr. Zampolin stated by looking at the picture they are definitely 9 ft. or more in height could possibly be 12 ft.

Chairman Fehre asked for a motion to open to public. Motions was made by Mr. Chinman, seconded by Mr. Dooly and carried unanimously by voice vote.

Mrs. Anastisa Pavur, 119 Demarest Avenue, Englewood Cliffs, NJ voiced her concerns regarding water drainage in the rear of the property. She read her letter to the board and gave pictures regarding her concerns of water issues on the rear of her property and the applicant's property. There is an inlet which has been capped and wants to have it redirected to the seepage pits.

Mr. Mirandi stated that he has addressed the issue of the inlet and capping and that it must be addressed during construction. Mr. Mirandi stated that he is in agreement with what has been stated and what is in the letter and that it will be taken care of.

Mr. Gluk Jian, 113 Pershing Road, Englewood Cliffs, NJ questioned when they excavate the property where are they going to dispose of the water? Mr. Martins will address that issue during construction. We will be testing to see what the water table etc. will be. Stormwater will be addressed during construction if need be. Mr. Martins stated that it will be the property owner's responsibility to take care of the issues on his property in regards to water.

Mr. Karpamn & Mr. Alex Miasnikov, 110 Pershing Road, Englewood Cliffs, NJ stated his concerns with the side yard variance in regards to the window well. He is not in agreement with them. Mr. Kilmartin questioned Mr. Karpman on what his objection to the window well is? Mr. Karpman stated that he doesn't want that closer to his home. Mr. Kilmartin questioned him if he had gone for variances for his home and which ones. Mr.

Karpman stated that he did go to the board for variances but was not sure what he went for. Mr. Kilmartin questioned him if he went for a height variance. Mr. Karpman stated yes. Mr. Kilmartin questioned what the height of the ceiling is on the first floor of his home? Mr. Karpman stated they are 9 ½ ft., the second floor has 8 ½ ft. Mr. Kilmartin asked if he has a finished basement and what the ceiling height was? Mr. Karpman stated yes it is finished with ceiling height of 8 ft.

Chairman Fehre asked for a motion to close the public portion. Motion was made by Mr. Nikow, seconded by Councilwoman Simon and carried unanimously by voice vote.

Chairman Fehre asked for a motion to approve with conditions. Motion was made by Mr. Trovato that the application be approved subject to the conditions that were mentioned, seconded by Mr. Kiky Kim. This motion was approved by roll-call vote. 6 Ayes (Mr. Trovato, Mr. Dooly, Mr. Fehre, Mr. Kiky Kim, Mr. Surace, and Mr. Sean Kim), 3 Nays (Mr. Kilmartin, Mr. Chinman, Mr. Nikow) No Abstentions.

Chairman Fehre asked for a motion to open to public. Motion was made by Mr. Nikow, seconded by Mr. Kilmartin and carried unanimously by voice vote.

Mr. Rubinisky of Edgewater, NJ stated that something should be done about the microphones so that the public can hear what is going on during the meeting.

Mr. Joseph Cioffi, 30 Sylvan Avenue, Englewood Cliffs questioned the committee meeting that was scheduled for November 26th. Wanted to know if can be postponed due to him not being able to attend and that it is so close to the holidays. Chairman Fehre stated that the meeting has been postponed and a letter is being sent to all the property owners.

A motion to close the public portion and adjourn the meeting at 9:12 pm was made by Mr. Chinman, seconded by Mr. Nikow, and carried unanimously by voice vote.

Respectfully submitted

Caterina Scancarella
Planning Board Administrative Secretary