

**PLANNING BOARD
BOROUGH OF DEMAREST**

MINUTES

REGULAR MEETING

September 7th 7:30 PM

Chair Hayden opened the meeting at 7:30 pm with the following announcement:

Public Announcement of Meeting: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this public hearing meeting in the annual schedule and notice of regular meetings of this Board. Such annual schedule and notice of regular meetings are posted at the Borough Hall, was mailed to The Newark Star-Ledger and The Record and was filed with the Borough Clerk of Demarest on December 8, 2021.

Roll Call

Mr. Keane-present

Mr. Tabacchi-present

Councilwoman Fox-present

Mr. Alevrontas-present

Mr. Rifkind-present

Ms. Hayden-present

Mayor - Schooler-present

Mr. Parlamis-present

Mr. Verp-present

Mayor Iannuzzi-present 7:38pm

Mrs. Paster-absent

Professional Staff Present:

Mr. Bern, Board attorney

Mr. Austin Vejin, covering for Ms. Green Board Planner

Mr. Zimmerman, Board Engineer

Mr. Chelius, Assistant Engineer

Salute to the Flag

The Board Attorney, Mr. Bern announced that the Applicant for 95 County Road erroneously mailed notice, the application had never been scheduled for a hearing. Additionally, the application was deemed incomplete. This application will not be further noticed but may be heard at the October 5th Planning Board meeting. Interested parties should check the Borough website for updates and scheduling information.

Hearing: 48 Meadow Street

Mr. Capizzi, attorney for the applicant submitted notices and gave a summary of the first hearing which took place on March 2nd, 2022:

- The Applicant is M&M Developers. The following expert witnesses were sworn in and testified at the March 2nd 2022 hearing: Engineer Mr. Hubschman, Architect Mr. Zampolin, Landscape architect Paul Keyes and Professional Planner Joe Burgis.
- The application is for a subdivision in the RD Zone; lot characteristics are: 150 feet of frontage and 200 feet of depth; this is the largest lot on street.

- The applicant is seeking a variance for lot width of 75 feet in a zone requiring a 100-foot minimum. This subdivision would create 2 new non-conforming lots.
- All plans have been revised in an effort to address concerns voiced at the March hearing. See details below.

The plans which were presented on September 7th 2022, were filed on 8/30/22.

Michael Hubschman – Engineer, 263 S. Washington Ave., Bergenfield. Sworn; previously qualified.

Site plan dated 8/26/22: Original proposal: L-shaped houses, mirror images, 30% FAR (Max)
Revised plans show a more traditional colonial style, different fronts, different peaks, 20' wide driveway.

This zone requires 10-foot side yard; revised plans show two 15-foot side yard setbacks, and a total of 20 feet apart in middle. 10 feet for both proposed homes, equaling 20 feet apart house to house.

Grading is substantially similar to original plans; mild slope helps drainage; drainage pits have been relocated closer to proposed homes and therefore further away from neighboring homes. Added drainage in the rear yard with 3 times the required seepage pits (2800 feet vs. 1000 required).

Pools are now conforming, moved out of side yard; also moved wall away from fence
Coverage is 16.4% vs. 20% allowed; improved coverage is 27% vs. 30% allowed; FAR is 25.5% vs. 30% maximum.

Michael Bet, Architect, 201 E. Ridgewood Ave., Ridgewood. Licensed, qualified and sworn. Plans were prepared by Mr. Zampolin; in his absence his colleague, Mr. Bet, reviewed in detail for this hearing. Revised plans have 2 separate floor plans with similar area. Plans dated 8/29/22.

Color rendering marked A-1. Plan 1.03 is westerly plan; Plan 1.04 is easterly plan.

Sheet A-1 on 1.03: first iteration had garage on NW side of property; now is on opposite side, closer to westerly plan.

FAR reduced, entrance reduced and moved to opposite side, a few other design changes, interior staircase, room sizes, layout, etc. Second floor layout also changed.

Same number of bedrooms, but rooms sizes have changes; current plan: 1906 1st floor, 1926 2nd floor = 3832 square feet in total vs. 4500 original.

Easterly house has similar changes on 1.04: pretty much mirror images; major modification is on 2nd floor location of the master bedroom; current plan shows a total of 3796 sq. feet vs. 4500 on original.

Main change is in square footage of the proposed homes.

Paul Keyes, 44 Cortland Pl. Tenafly. Landscape Architect. **CHECK:** Sworn; previously qualified.

Landscape plan is extensive for size of proposed properties. This includes flowering trees, shade trees and shrubs. All hatch marking is pachysandra ground cover, good for soaking up water and stabilizing soil. Describes existing row of evergreens on westerly neighbor side; similar on other side but adding evergreen and witch hazel underplanting. Describes plantings in rear of property; hornbeams and arborvitae separate the two properties in rear, also has significant ground cover, shade trees, flowering trees, evergreen screen of Norway spruce which will grow under existing

canopy (most existing trees in rear staying, plus underplanting) as well as ground cover. Many plants are deer resistant.

A-2 Rendering: shows buffers on both sides and at rear. This plan requires less water, lower environmental impact, uses native plants, etc. Existing lot mostly “volunteer” trees of poor quality; devoured by deer, several downed trees. Property has been neglected for many years. The plan shows use of trees and plants that are common to and therefore blend in with the neighborhood.

Mr. Capizzi: The plans submitted are the actual houses and landscaping the developer intends to build. These are the plans that will be used for the permitting process.

Chair Hayden to Mr. Hubschman:

Has an additional seepage pit has been added to each proposed property? **Response:** Yes.

What is the width of the driveway and the width of the roadway? **Response:** The driveways are 20 feet wide, so wider than the street. Meadow Street is 40-foot ROW but paved at 18 feet (may scale down to 16 feet at certain points); “normal” would be 28-30 feet of paving.

Are you aware the Meadow is no-overnight-parking street; the Police Chief has expressed concern about the narrowness of Meadow Street and the possibility of additional traffic due to 2 homes where one previously existed **Response:** 4 cars can park in each driveway and 2 in each garage.

Mr. Verp to Mr. Hubschman: explain drainage and the flow of water as it relates to seepage pits and contour elevations. **Response:** water drains to the E and NE and the leaders are all piped to seepage pits in rear and driveways are pitched out toward street. The result will be much less runoff than before, so reduced impact on neighbors. **Mr. Verp:** Asked about the seepage pit requirement. **Response:** Requirements for no increase in coverage is 1000 sq. ft.; we propose providing 2800 sq. ft., so all runoff will be mitigated.

Mr. Tabacchi to Mr. Hubschman: Do seepage pits require maintenance and who is responsible? **Response:** Seepage pits require maintenance about every 3 years. Mr. Hubschman was further asked about consequences of not maintaining the seepage pits, he explained there are overflow controls but because the proposed seepage pits are so over sized it was unlikely to present a problem.

Mr. Keane to Engineers: The driveways have no separate drains; so, any water on the driveway just flows out to Meadow Street? **Response:** Yes

Response by Mr. Zimmermann: There is no inlet system on Meadow so nowhere to send drain if put them in.

Chair Hayden to Mr. Hubschman: The property slopes down from west to east; what is the difference in feet? And is there anything to catch the water? **Response:** The slopes are: 62 to 57, so 5-foot difference; and from 60 to 54, so 6 feet. Grading will catch water flowing in that direction and send it toward rear.

Mr. Verp to Mr. Bet: How does the roof height compare with the rest of the street?

Response: Roof height is consistent with other properties on the street.

Mr. Rifkind to Mr. Keyes: Deer love to eat arborvitae.

Response: The plan will be using mostly a deer-resistant type of arborvitae; no plant is completely deer-proof. This landscape plan is more elaborate than most new construction.

Mr. Austin Vejin (covering for Darlene Greene, Board Planner): Asked for clarification of the tree replacement plan as required under the Demarest tree removal ordinance.

Response by Mr. Keyes: A-3: Photos of trees/shrubs: Mr. Keyes explained the environmental benefits of using a tree with a smaller caliper than the ordinance requires: tree requires less water, less fertilizer, less manpower, etc. 4-inch caliper tree much more labor intensive, harder to grow; so, in the long run a smaller tree will outpace and has greater value to community. Additionally, it is very hard to find larger trees in the quantity that the ordinance would require. Mr. Capizzi stated the team would meet with the Demarest Shae Tree Commission and Mr. Keyes will do a tree removal plan.

Mr. Zimmermann to Mr. Hubschman: Re: Sheet 4003 existing conditions; show test pit logs; asks about the water table. **Response:** Seepage is at 9 feet.

Open to Public for questions on the testimony given by the Engineer, Architect and Landscape Architect

Jean Nonenmacher, 49 Meadow St.: Roof leaders will all be pitched toward the back, including front and garage roofs; nothing toward street side. Driveways 20-feet wide will be draining into the street, 16 feet wide, no curbing on either side, rain pours down the street, erodes the pavement, do you have plans to install curbing? **Response:** Can install trench drain and seepage pit in front yard to catch driveway runoff; will work with Borough Engineer. Note there are no sidewalks on Meadow Street as indicated in rendering.

For landscape architect: there are town-owned shade trees in the ROW which will interfere with the driveway; questions accuracy of plans which don't show the trees.

Greg Longest, 15 Brook Way: What is current elevation of existing house? **Mr. Hubschman:** First floor is 61.4 and street is 58; existing driveway is pretty flat and slopes toward house. New driveways will slope toward Meadow. If necessary, will add mitigation; trench drains piped to seepage pits in front yard.

Lauren Wilkins, 23 Brook Way: Why are seepage pits 40 feet from rear property? Isn't 60 feet better? **Mr. Capizzi:** OK, it will be 60 feet.

Bill Lewis, 32 Brook Way: Wants clarification on location and slope of proposed driveways.

Steve Galli, 44 Meadow Street (adjacent property to west): What is the percent of coverage for each house? Improved allowed is 30% vs. 27% provided; building max is 20% and lots are 16%. Questions how this is considered consistent with the neighborhood.

Noel Pugh, 64 Prospect St. Questions location/setback of homes. This is a question for the Planner.

Questions Closed to Public as to Engineer, Architect and Landscape

Joe Burgis, 25 Westwood Ave., Westwood. Professional Planner. Sworn in. This is expert testimony using the fact testimony of prior witnesses; not a fact witness. The test is whether a variance would be consistent with the established character of the neighborhood. The ordinance requires a 100-foot lot width. The property is 150 feet wide by 200 feet deep; basically requires 10,000 sq. ft., a lot equivalent to a 100 x100 lot; whereas this lot at 30,000 sq. ft.; is not consistent with the neighborhood if it remains one building lot.

A-4: Neighborhood Map:

Mr. Burgis: There are 27 lots fronting Meadow Street in this exhibit, from Piermont to Brook Way. Light blue lots are no more than 75 feet wide (10 as few as 50 feet); darker blue is greater

than 75 feet but less than 100 feet. In sum, 17 of the 27 lots are not compliant with ordinance. Brook Way was not included; site is located on Meadow Street. Lot area: subject is 30,000 sq. ft. and no property on this street is this size; two that are close are nearer to Piermont. The Master Plan calls for new properties to be consistent with the neighborhood. But even at 15,000 sq. ft. each, these lots would be 150% of 10,000 requirement. The two 75-foot lots will fit in better than a 150-ft wide lot that is 30,000 sq. ft. in area. Also, no substantial detriment to the public good or master plan; The Master Plan does talk about consistency with established pattern in area. There is no substantial detriment to the public good. The Master Plan does not state that a 75-foot lot would be a substantial detriment to the public good. So, this application does meet the statutory criteria. No other variances are required, the project complies with all code requirements except lot frontage. In addition, drainage improvements will enhance neighborhood and serve public good, as will the extensive proposed landscaping. In sum, this is not an over-intensification of development, it is compatible with the neighborhood, and it is not detrimental to the Master Plan, or neighborhood and has public benefits. Also, the side yard minimum is 10 feet but proposal is to leave 15 feet, due to smaller building size. As to the impact on light, air and open space: there is less coverage than the permitted maximum, so this leaves sufficient light, air and open space. The benefit of the two-lot arrangement vs. one-lot arrangement is that a 30,000 sq. ft. lot would permit 3 houses if the lot had a different configuration; and if only one house is built on the large lot, which would be permitted to be a much larger home, that home would be out of proportion to the neighborhood character.

Mayor Schooler: Of 49-foot to 99-foot properties, when were they built? Mayor Schooler says all were built early on. Then the area was up-zoned.

Open to Public as to Planner

Steve Galli 44 Meadow: In last 5 years, 2 new homes have been built on Meadow, both of which have 100 frontages. Therefore, there is a trend of following the code.

Greg Longest, 19 Brook Way: Question about the 20 feet between the new houses. **Mr. Burgis** says this complies. **Mr. Longest:** How many other houses are only 20 feet apart, and have 3500 footprints?

Jean Nonenmacher, 49 Meadow St. What is definition of “substantial detriment”? It’s a subjective assessment: does it have an adverse impact on the neighborhood and nearby properties? She lives on 75-foot lot across street and admits that her property isn’t a substantial detriment to the neighborhood. She says these houses are much larger than hers.

Mr. Burgis points out that the proposed larger houses are nonetheless compliant with coverage, FAR, etc.

Closed to Public as to Planner

Mr. Keane: Burgis has his own view of the study area. Mr. Keane says that traffic flow is not the optimal way of creating a study area. Looking at the statutory notice requirement of 200 feet would probably be a more appropriate study area. In looking at that, there are 18 lots and 14 of them have more than 100-foot frontage and only 4 have 75-foot frontage. Subjectiveness of study area is a concern; especially in terms of analyzing detriment to the neighborhood and consistency with neighborhood. That being said, proposed lots and houses are not consistent with narrower study area.

Open to Public for General Comments

John Nonenmacher, 49 Meadow St. The total square footage of the lots and the fact that they will have huge backyards is irrelevant. The non-conforming frontage will stand out and create a density that does not currently exist.

Bill Lewis, 32 Brook Way: If one home is built on this lot it will have proper and improved drainage and landscaping, so those factors should not sway a decision as to lot width. It is all about the Master Plan. Also, traffic will go onto Brook Way rather than Meadow because Meadow narrows at the Piermont end. The Board should follow the Master Plan and not make an exception for one property. Who does this plan benefit? The builder and maybe the families that move to Demarest; meanwhile more traffic, a larger footprint, more sanitation, schools etc.

Noel Pugh, 64 Prospect St. The request is for a 25% deficit on two properties. Homes across street are smaller homes so they fit the scale of the street. Streetscape is what matters, not area behind the houses in the backyard.

Jean Nonenmacher, 49 Meadow St. Thanks the Board for letting the community speak; hope Board will look long and hard about going against the Master Plan. She feels it will create a bad precedent.

Closed to Public for General Comments

Capizzi Summation: The Master Plan and Zoning District speak to much larger areas than a single street. Zoning hasn't been modified in decades. But this application requires a site-specific analysis about whether there should be a deviation from those rules. Mr. Burgis definition of a neighborhood is appropriate. Who's impacted by the variance being requested: not properties on either side or in rear; it's the properties across the street. What is the impact of proposed 75-foot lots on the Meadow Street corridor? Consider enhanced side setbacks and smaller homes than permitted. A builder could build an 8,000 square foot house on a 30,000 lot. This application requires only a single variance and it comes with many benefits due to concessions.

Motion to approve: Alevrontis: seconded by Rifkind.

Vote: Iannuzzi: no; Rifkind: no; Fox: no; Keane: no; Tabacchi: no; Hayden: no; Parlamis: no; Alevrontis: no.

Application: Denied.

New Business: Resolutions

1. Vote to Approve the RESOLUTION ADOPTING THE 2022 MASTER PLAN & DEVELOPMENT REGULATIONS RE-EXAMINATION REPORT TO THE BOROUGH OF DEMAREST MASTER PLAN

Motion to approve: Mr. Keane, seconded by Mr. Tabacchi

Vote: Iannuzzi: yes; Rifkind: yes; Fox: yes; Keane: yes; Tabacchi: yes; Hayden: yes; Parlamis: yes; Alevrontis: yes.

Adopted

2. Vote to Approve Resolution appointing Douglas M. Bern as assistant Planning Board Secretary

Motion to approve: Mayor Iannuzzi; seconded by Mr. Keane

Vote: Mayor Iannuzzi: yes; Mr. Rifkind: no; Ms. Fox: yes; Mr. Keane: yes; Tabacchi: yes; Hayden: yes; Parlamis: yes; Alevrontis: yes.

Adopted

3. Ordinance Sign subcommittee initial meeting: Wednesday Sept 21 7PM (checking if Boro Chambers are available) Alternate dates: Sept 27 28 29th

Adjournment:

Councilwoman Fox moved to adjourn, second Mr. Alevrontas. All in favor. Meeting adjourned at 10:25 pm.

Respectfully submitted,



Marian Hayden
Chairperson Demarest Planning Board