



Avenue were approved with lots of 8,000 SF and 8,900 SF, respectively, and lot widths of 80' with an average lot size of 8,450 SF and average lot width at setback of 80.' In this subdivision, proposed Lot 11.01 is 9,423 SF with a lot width at setback of 93.55' and Lot 11.02 is 9,200 SF with 92' lot width at setback for an average lot size of 9,313 SF and average lot width of 92.77.' The lot area for the proposed lots is 10.2% greater than the lot areas approved for the 62 Livingston Avenue subdivision and the lot width is 19.2% greater. The combined building coverage for the 62 Livingston Avenue Subdivision is 20.54%. The proposed combined building coverage for this application is 21.40%. The larger lot width at setback for this application allows two-car garages. The building coverage is consistent with the houses approved in the Livingston Avenue subdivision that only have one-car garages.

The plans have been amended to eliminate the variance for the deck, minimize the variance for the rear-yard setback, increase the side-yard setbacks and minimize the maximum lot coverage so that the houses are more proportional to those approved for 62 Livingston Avenue. The developer of the lots also developed Foley Square.

The following exhibits were pre-marked as follows:

- Exhibit E-1 – Lot 11.01 Floor Plans (Sheet A-1)
- Exhibit E-2 – Lot 11.02 Elevations (Sheet A-2)
- Exhibit E-3 – Lot 11.02 Floor Plans (Sheet A-3)
- Exhibit E-4 – Lot 11.02 Elevations (Sheet A-4)
- Exhibit E-5 – Lot 11.01 Floor Plans (Sheet A-1R)
- Exhibit E-6 – Lot 11.01 Elevations (Sheet A-2R)
- Exhibit E-7 – Lot 11.02 Floor Plans (Sheet A-3R)
- Exhibit E-8 – Lot 11.02 Elevations (Sheet A-4R)
- Exhibit A-11 – Photograph of the unimproved area at the end of Sixth Street dated June 13, 2017
- Exhibit EA-15A – Minor Subdivision Revised June 13, 2017
- Exhibit EA-15B – Proposed Development Plan Revised June 13, 2017
- Exhibit E-16 – Revised Site Data Chart

Andrew Clarke, the applicant's engineer, Karen Luongo, the applicant's architect, Michael Tobia, the applicant's planner, Michael O'Krepky, Borough Engineer, Fred Heyer, Borough Planner and Keith Lynch, Planning and Development, were sworn in.

Andrew Clarke, ABC Surveys, LLC, presented his credentials as a licensed civil engineer and land surveyor, and was accepted as such. Mr. Clarke completed a topographic survey of the site property. Referencing the Minor Subdivision and Proposed Development Plan Sheets, dated April 6, 2017, and submitted with the application, Mr. Clarke described the existing conditions and proposed development. The lot is 185' long and 100' deep and is located at the end of the roadway with a one-story house on the western side of the property with a large

patio on the east side of the house, a driveway on the west and a shed in the back. The property has a hump in the middle that rises 3' to 4' and the drops to the back. The middle of the proposed lot to the east drains to the east into the unimproved area. The rest of the lot drains to the right-of-way and to the west toward lot 18.01 (of the 62 Livingston Avenue subdivision). As proposed, the property will be subdivided in the center with the side yard parallel to the lot to the west. Lot 11.01 (the eastern lot) will be a little larger.

Steep slopes fringe the hump on the property. There are steep slopes a third of the way in front of the house as well as in an area that sweeps around the left side and rear of the property for a total of 2,700 SF of steep slopes in the three categories. The steepest slope area represents the largest portion of the steep slopes so a variance is required for steep slope disturbance. The proposed improvements will eliminate most of the steep slopes except in the back corner which is beneficial because the grade of the steep slopes cause soil erosion when growth is removed. Elimination of the grade will also calm surface runoff.

Mr. Clarke described the current condition of the lot. The property has a stone driveway. To the west are several trees and bamboo in the corner and pine trees along the back. The front of the lot in the unimproved right-of-way is not maintained. Mr. Clarke is not an arborist but doesn't believe the trees are of significant value but this would be the call of an expert.

Referring to the Proposed Development Plan dated April 4, 2017, Mr. Clarke testified that the roadway would be extended to provide access to the second lot and provide a cul-de-sac so vehicles can turn around. The roadway would be paved and curbed and would continue the pitch of Sixth Street toward Livingston Avenue. The drainage for 62 Livingston Avenue would be extended to the cul-de-sac. The lot would be developed with two houses with front-loading two-car garages. By eliminating the hump, the water will drain to the cul-de-sac. Each house will have a dry well so the runoff will be reduced. The existing utility pole services the house. If the application is approved, the applicant will probably supplement the electrical service with the consent of the utility. The sanitary sewer requires investigation to determine if it extends the length of Sixth Street where there is an 8" pipe. If it terminates at the house, the line will have to be extended which would require a Treatment Works Approval (TWA) permit. The manhole rim shown on the plans requires investigation. Mr. Clarke noted that there is nothing in the Borough Engineer's comment letter dated May 19, 2017, that can't be addressed.

Mr. Keane asked about the removal of 52 trees. Mr. Clarke responded that some will be removed for grading reasons. An evaluation of the trees will be done when the lot is re-graded. Mr. Sheehan added that the applicant is willing to submit a landscaping plan. Mayor Morgan asked about the requirement for frontage and if the cul-de-sac could be eliminated to preserve some of the trees. Mr. Lynch responded that frontage is a Borough requirement.

Karen Luongo of Kapuscinski Luongo Architects presented her credentials as a licensed professional architect and was accepted as such. Ms. Luongo agrees with Mr. Sheehan's comparison of the lot sizes and widths and building coverage for this site with those approved for the 62 Livingston Avenue subdivision. The architectural plans are also consistent with those approved for 62 Livingston Avenue. The proposed houses are proportional to those approved for 62 Livingston Avenue with slightly larger lots. Ms. Luongo revised the architectural plans based on comments in the Borough's Planner's comment letter dated May 22, 2017. The portico has been moved back a foot to eliminate the variance for projecting more than 25 SF into the front-yard area. The variance for yard encroachments has been eliminated with the removal of the decks and replacement with patios. The rear-yard setback has been increased by 2' and the building coverage has been decreased. Ms. Luongo does not agree with the planner's comment that the houses exceed the requirements by a half story. She believes the houses meet the requirements for a half story and not a full story. The side-yard setbacks have been increased. The houses are now more in proportion with those approved for 62 Livingston Avenue as a result of these changes.

The proposed two and a half story colonial houses are mirror images with similar floor plans and two-car garages. The two-bay garage doors have been replaced with a single door. The houses have a gabled portico, projection for the living room, pop-out bay windows in the dining and living rooms with raised panels on the bays and metal roofs. The first floor height is 9' and 8' for the second floor. At the back of the garage is a small covered entry.

Referring to Exhibit E-1 – Lot 11.02 Floor Plans (Sheet A-1), Ms. Luongo described the first-floor layout with a front entry, living and dining rooms in front and kitchen and eating area and family room in back. Behind the garage is a hall, mudroom and laundry area. The plan shows the proposed deck at the back. The rooms are moderate size. The second floor has four bedrooms including a master bedroom, two bedrooms with a Jack and Jill bathroom and a bedroom behind the master bedroom. The bedrooms are not huge. Over the garage is a master closet and bath. Stairs lead up to the third level where there is a fifth bedroom and bathroom under the eaves.

The Board asked about the third level. Ms. Luongo looked at the definition of a half story and believes the third level with a shed dormer is a half not full story. It is tucked under the ridge of the roof. One of the exterior walls is over 4' but it doesn't have an opposing wall: It is a dormer under a shed. Mr. Heyer asked about the two opposing walls. The walls are over 4' but support the shed not the gable. Only the wall in the back is involved with the gable. The space also complies with the definition of an attic as it is only 30% of the floor below.

The floor plans for Lot 11.02 as shown in Exhibit E-4 - Lot 11.02 Elevations (Sheet A-4) mirror those of Lot 11.01 as described above. The foot print for both houses is the same but the elevations are different. The first floor for Lot 11.02 is stone. Then there is a belt course

flair and siding above. The gable has detailed shingles. The mean height for both houses is 27'-2" which complies with height requirements.

Referring back to Exhibit E-1, Ms. Luongo described the changes made to the submitted plans. Ms. Luongo removed 2'-8" at the rear of the house behind the garage to increase the setback from 32' to 34'-8". The width of the house has been decreased by 2'-8" from 61' to 58'-4." In addition, 2' has been removed from the kitchen to reduce the overall depth of the house from 38'-8' to 36'-8." The deck will be removed and the front portico will be moved back a foot while the width will remain the same.

Ms. Luongo described the changes to the elevations as shown on Exhibit E-6 for Lot 11.01 for the portico and removal of the deck. The two garage doors will be replaced with one 16' wide door. The attic remains the same as originally proposed. The most obvious changes are the separate roof over the mudroom door and the addition of the stairs down to the patio at the back of the house. Ms. Luongo also described the revised floor plan as shown on Exhibit A-5 for Lot 11.01. The garage is narrower but still accommodates two cars. The mudroom and laundry room have been redesigned. Two feet have been removed from the kitchen and the deck will be replaced with a patio as previously noted. On the second floor, the master bathroom is a little narrower. There are no changes to the dormer. The wider lots allow two-car garages. The applicant for the Livingston Avenue subdivision was faced with the choice of having a smaller living space to get a two-car garage or larger living with a one-car garage and opted for the one-car garage.

Ms. Luongo responded to questions from the Board. Ms. Luongo will revise Exhibit E-5 to reflect the smaller dimensions for the kitchen. There is room in the back of the lot for future development. Mr. Heyer noted that Ms. Luongo presented a reasonable interpretation of the definition of a half story so no variance is required for a full story.

Mr. Clarke was called back to testify to the changes made to the architectural plans. Exhibit EA-15A includes an updated Site Data Chart to show the changes in zoning (standalone chart is shown on Exhibit A-16). Mr. Clarke recapped the zoning changes and variance requirements for the revised plans as previously testified to by Ms. Luongo. Referring to Exhibit EA-15B, Mr. Clarke testified that there is an increase in the side-yard setbacks and the deck is now a patio. The drainage and storm water management remain the same.

The Board discussed the cul-de-sac. Mr. Clarke believes the 40' radius for the cul-de-sac shown on Exhibit EA-15B is excessive and prefers the smaller radius with less pavement but this would be up to the fire department and Borough professionals to decide. Mr. Lynch stated that the cul-de-sac is required per the street development standards and provides an area for vehicles to turn around but this could be waived. A fire truck will not make a K-turn: It will back out of the street. The plans would need to be vetted with the fire

department. The curb could be extended from 62 Livingston with the opposite curb extended from the Carluccio subdivision (Lots 1.01 and 1.02).

Mayor Morgan asked about the water as changes were made for drainage in the 62 Livingston Avenue subdivision. Mr. Clarke responded that there is a swale at the rear of 62 Livingston Avenue. The plans for the 62 Livingston Avenue were revised to direct the water from the back of the property to the front to the proposed inlets on Livingston Avenue. The storm water for this application will also be directed to the street to the storm sewer. Sixth Street grades east to west toward Livingston Avenue. The drywells on the properties will handle any overflow. If the 62 Livingston Avenue subdivision doesn't get built, the applicant stated that it would take on the installation of the storm sewer to connect to the one on Livingston Avenue. The Board discussed the width of the roadway if the cul-de-sac is eliminated. The roadway is 30' wide which Mr. Clarke believes is acceptable. The street could be signed and parking restricted if parking on both sides of the street becomes a problem.

The hearing was opened to the public for questions of Mr. Clarke and Ms. Luongo.

Paul Loria, 14 East 5<sup>th</sup> Street, asked about the environmental impact of removing the trees. Some of this depends on the condition of the existing trees. Also if the cul-de-sac is eliminated, some of the trees will be preserved with the opportunity for additional landscaping. The roadway would be extended and maintained down to where the basketball hoop is shown on Exhibit E-11 (where the inlet is labeled on Exhibit EA-15B). The applicant is willing to submit a landscaping plan. The applicant is willing to try and keep the wooded area.

Hengel Zambrano, 12 East 5<sup>th</sup> Street, asked about the water as he doesn't want it to flow to his property. The property will be graded and curbed to get the water to the storm sewer. Inlets will be added in the roadway. There should be less sheet flow when the hump is removed and a reduction in storm water.

T. J. Mahlstadt, 81 Pleasantview Avenue, lives right behind the proposed lot and asked if the plans will be revised and if another subdivision application was denied. Mr. Sheehan responded that the plans would have to be revised if the cul-de-sac is eliminated. There was a previous subdivision application for 62 Livingston Avenue that proposed to keep the existing house which was denied. The subsequent subdivision application was approved but has not been developed yet.

Gerald Gross, 87 Pleasantview Avenue, asked about the drainage on the eastern side of the lot and multiple other questions. Rainfall and surface runoff pond in the unimproved area where the proposed cul-de-sac would be located. The water may pond up to the back of Pleasantview Avenue but Mr. Clarke has not seen this himself. Some water on Lot 11.01 will flow to the eastern side of the property but a large amount of it will be captured and

removed. The hump will be cut and graded so there will be less area to control and should reduce ponding. The applicant may be able to install an interceptor drain on the eastern end of the property. The vegetation in the proposed cul-de-sac area is fairly dense and the ground is uneven. Some of the trees are less than 4" in diameter. If the cul-de-sac is eliminated, the roadway on Sixth Street would be extended 5' past the driveway for Lot 11.01. The applicant's planner will testify to the percentage of lot coverage as compared to the 62 Livingston Avenue subdivision.

Tom Randazzo, 77 Pleasantview Avenue, lives behind the house and asked where the water will go. He believes that with the 12' side-yard setback his yard is going to be soaked. The drainage is proposed to go forward on the lots and the storm water management on the site will improve conditions.

Debbie Picorale, 91 Pleasantview Avenue, asked if the curbing proposed at the end the road will make a gully. She gets flooded now and asked if there will be more water. Mr. Clarke responded that there will not be more water because of the curbing and re-grading of the lot. The storm water conditions will improve. The water will be captured in the leaders on the houses and directed to the storm sewer. The water will flow to the west. Mr. Clarke will look into an inlet as noted above; however, even without an additional inlet, the water situation will be better than it is now. Landscaping along the perimeter of the eastern lot and in the area where the cul-de-sac was proposed will also help.

Peter Fuchs, 11 Woodruff Court, asked if the applicant will be developing 62 Livingston Avenue and 28 Sixth Street. A different developer will develop 62 Livingston Avenue. Mr. Fuchs noted that the ditch between the lots on Woodruff Court and Sixth Street is a lake. Mr. Clarke responded that less water will be flowing to 62 Livingston Avenue with the proposed subdivision. Also, the final revisions for the 62 Livingston Avenue subdivision included changes to direct the storm water from the back of the property to the storm water management system in the front of the property to get the water off the back of the property. The curb line will keep the water in the roadway.

T.J. Mahlstadt, 81 Pleasantview Avenue, asked about the number of trees to be removed. Mr. Clarke confirmed that 52 trees would be removed but some of these may be saved if the cul-de-sac is eliminated. The developer will pay for the extension of the roadway.

Paul Loria, 14 East 5<sup>th</sup> Street, asked about snow removal and expressed concern about additional water from the snow melt. The snow will be piled at the end of the street.

Zambrano Hengel, 12 East 5<sup>th</sup> Street, asked who is responsible if the development is approved and there is more water when it rains. Mr. Lynch responded that lot grading permits will have to be filed; however, if there is water after the development, the developer

may have to prove that the water is not coming from the subdivision. However, it could also be that the water is flowing from Pleasantview Avenue and not from the subdivision.

Gerald Gross, 87 Pleasantview Avenue, had additional questions about the variances, building heights and garages. A variance is not required for the third floor as it is a half story not a full story. The building heights remain the same as those originally submitted. The houses have five bedrooms with two-car garages although the garages are smaller than originally proposed. The lots at 62 Livingston Avenue didn't have room for two-car garages without sacrificing living space as testified to earlier and at the hearing for the 62 Livingston Avenue subdivision. There is a demand for a two-car garage. Ms. Luongo stood by her testimony about the one-car garages as read back by Mr. Gross from the minutes of the 62 Livingston Avenue hearing stating that while there is a demand for a two-car garage some buyers don't care if there's only a one-car garage and the developer of 62 Livingston Avenue subdivision would have proposed two-car garages had the lots been wider. A variance is still required for the rear-yard setback. The driveway curb cut will be 18.'

Benjamin Dounel, 11 Sixth Street, lives across the street and asked who will be responsible for constructing the roadway and what will happen to the street as it's a "forgotten" street. The contractor will be responsible for extending the roadway. Mr. Clarke is not sure that the section at the back will be repaved as it is in the Borough's right-of-way. The Borough is responsible for this area.

The hearing will be carried to July 18, 2017, so the applicant can revise the plans to eliminate the cul-de-sac and also provide a landscaping plan. No further notice is required or will be given.

F. OTHER BUSINESS

No other business.

G. MISCELLANEOUS BUSINESS

No miscellaneous business.

H. MINUTES

The minutes from June 6, 2017, will be approved at the July 11<sup>th</sup> meeting.

I. ADJOURNMENT

Mayor Morgan moved and Mr. Hoefling seconded the motion to adjourn. The meeting was adjourned at 10:22 p.m.

Respectfully submitted,  
Margaret Koontz  
Planning Board Secretary