Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 pm
Minutes Mar. 28, 2024

Present in Person: Mr. Bancroft, Mr. Cleary, Mr. Kassis, Mr. McCord, Mr. Sutera, Ms. Wehle, Ms. Westerfeld.
Mr. Van Horne Esq.(Board Attorney), Ms. Bauer (recording secretary)
Absent:
Mr. Kassis said Good Evening, we are calling the Mar. 22, 2024 Zoning Meeting to order. This meeting had been published as required by the Sunshine Laws of the State of New Jersey. A notice was properly given.
The Roll Call was taken.
Mr. Kassis said tonight , ordinarily we would first approve the minutes, but to give everyone that is here tonight for application #1420, that is located at 135 4th St., and also application #1423 which is located at 37 Loman Court, are postponed, to be heard at the April 25th meeting. And if you are here for those applications, if they won't be discussed tonight,……they will be heard at that meeting date. So be prepared to come on the April 25 meeting. If you want to voice your opinion regarding those locations. Any questions regarding this reschedule ?
Mr. Kassis said Okay. The first order of business is the approval of the minutes.
The minutes were approved with no changes.
Mr. Kassis said the first application we are going to hear tonight is #1421

1421 Avi Lavon 159 Seventh St Block 34 Lot 266

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft.	20.4'	24.0'	ENC
Side Yard Abutting/Lot	15 ft.	9.6'	9.6'	ENC
Other Side Yard	20 ft.	17.8'	17.8'	ENC
Combined Side Yards	35 ft.	27.4'	27.4'	ENC
Rear Yard Set Back	30 ft.	36.8'	32.2'	
Max. Livable Fl. Area (FAR)	34.32%	20.92%	40.54%	6.22%
Lot Frontage	100 ft.	75'	75'	ENC
Lot Depth	100 ft	100'		
Bldg. Coverage %	20%	18.4%	24.69%	4.69%
Impervious Coverage variable	32.40%	32.12%	36.13%	3.73%
Height of Bldg.	28 ft.	1sty/20.0'	2-1/2sty /27.75'	
Lot Area	10,000 sq. ft.	7500 sq.ft		ENC
Min. Driveway side-yard	10 ft			

Mr. Avi Lavon is before the Zoning Board for approval.
He proposes to add 1472 sq.ft 2nd floor and 2 story rear addition to the existing 1 1/2 story frame dwelling.

1421 Avi Lavon (cont.) 159 Seventh St Block 34 Lot 266

Greater than 50% of the exterior walls will be removed. As per the Chapter 275 definition of new construction, this is considered new construction.

Because a variance in FAR is proposed, the application must first be approved by the Zoning Board, and then by the Planning Board.

At the request of the applicant, the application was carried from the Feb. 22, 2024 ZBOA meeting

Mr. Mark Maryanski Esq. represented the applicant.

Mr. Kassis said Anyone here for that application, please step forward.
Please speak as close to the microphone as possible. Anything that we don't have on the application should be put on the easel.
Mr. Chris Blake (architect) was sworn in.
Mr. Chris Blake presented his credentials. He has been before the board a number of times.
Mr. Mark Maryanski Esq said Mr. Blake, You were retained by the applicant to prepare the plans, that were submitted with this application, is that correct ?
Mr. Blake said that's correct .
Mr. Mark Maryanski Esq asked in connection with that work did you familiarize yourself with the subject property and the surrounding area ?
Mr. Blake said yes I did.
Mr. Mark Maryanski Esq asked and you are also familiar with the Cresskill ordinances as it relates to this application ?
Mr. Blake said yes.
Mr. Mark Maryanski Esq said to start with I want to address something that was raised in the letter of denial, and is also on the agenda. The fact that this proposal involves (5:04)
greater than 50% of the exterior walls being removed, which would be considered New Construction under the Cresskill Zoning ordinances. Could you comment on that.
Mr. Blake said I believe that it is a relatively new part of the ordinance. I was not aware of it when I did these drawings. After I did, I did check from them. I did redo 40% of the exterior walls, remaining. So we did not fall into the definition of new construction. Once we get into the construction drawings, and the whatever, we need to do for the Zoning as well, we will make sure to clarify. I can provide the calculations accordingly .
Mr. Bancroft said so we understand, you are going to put forth the entire application to the Zoning Board because this proposal is less than 50% of the walls…..
Attorney said that's our position, yes.
Mr. Bancroft said so you won't be at the Planning Board.
Mr. Mark Maryanski Esq correct.
Mr. Kassis said and if it turns out that it is more…….you're going to be….
Our ruling tonight will not have a bearing….
Mr. Mark Maryanski Esq. said sure. In fact if the Board sees fit, if you want to put a condition for a review or confirmation of that by the Zoning officer or Construction official whatever that would be fine.
Mr. Kassis said alright, proceed
Mr. Mark Maryanski Esq. said so according to the Zoning legend on the plan, we have the existing non-conformities that we have, because I believe we do not need the Front-Yard Set-back, the Side-Yard and the Combined Side-Yards, because those are existing conditions. Correct ?
Mr. Blake said yes that is correct.

1421 Avi Lavon (cont.) 159 Seventh St Block 34 Lot 266

Mr. Mark Maryanski Esq said in fact the Front Yard Set-Back is increasing somewhat because we are removing the Front-Porch .

Mr. Blake said well actually it's an enclosed porch. …… Yes we are removing part of the structure in the front. So the set-back will increase, not quite to the 25' but to the 24'. (7:36)

Mr. Mark Maryanski Esq said the existing shows 20.4 and we are going to 24' .

Mr. Blake said correct.

Mr. Mark Maryanski Esq said so what we are really dealing with is for a variance, or Floor-Area Ratio, the Building Coverage and the Impervious Coverage as a result of the proposed addition. Is that right ?

Mr. Blake said that's correct.

Mr. Mark Maryanski Esq said I also want to point out that the existing non-conforming includes the Lot Size. The lot area required is 10,000. The existing is 7500.

Mr. Mark Maryanski Esq said will start with the Building Coverage. The maximum is 20% The existing shows 18.4%, and the proposed is 24.69%.

Mr. Blake said that's correct.

Mr. Mark Maryanski Esq said which would be a 4.69% variance.

Mr. Blake said correct. (8:34)

Mr. Mark Maryanski Esq said the Impervious Coverage: the Requirement was 32.4%, on a 75' wide property. And currently we are at 32.12 %, and we are increasing to 36.13 %. *So the Impervious Coverage is at 3.73 % variance.*

Mr. Bancroft asked and the FAR ?

Mr. Blake said the FAR is based on the lot width. The lot width is 75', that creates a 34.32 % FAR. The house is just over 20% . We are increasing it to 40.54, so we will be 6.22% over the FAR

Mr. Mark Maryanski Esq said the Impervious Coverage and the Building Coverage, I think you commented on that, …….would you say the variances are a function of the undersized nature of the lot?

Mr. Blake said yeah, we do have a 75% lot. Of the required property size, we are an under-sized lot. The under-sized property is creating a hardship with the Lot Coverage and the Impervious Coverage.

Mr. Mark Maryanski Esq said the Rear Yard set-back……we are keeping / maintaining the side yards of the existing building, and we are going back and up. Correct ? (10:00)

Mr. Blake said that's correct. We are taking the exact width of the building as it is today. Keeping the exact 2 sides of the house, We are expanding to the rear, and we are expanding up.

Mr. Mark Maryanski Esq said but as proposed we still need the Rear-Yard set-back.

Mr. Blake said yes . We are maintaining the Rear Yard Set-Back. We need 30' and we have more than 32.

Mr. Mark Maryanski Esq said Okay. So let's turn to the FAR. As part of your work as an architect, when you design an addition for a home like this. Is part of the mission to make the structure compatible with other homes in the area.

Mr. Blake said Yes.

Mr. Mark Maryanski Esq said from an architectural stand-point. Would that include the size of the structure ?

Mr. Blake said yes

Mr. Mark Maryanski Esq said alright. Would you mark this A-1

The exhibit on the easel was marked A-1

Mr. Mark Maryanski Esq said A-1 is an enlargement of the Tax map showing the subject property and the surrounding areas. Is that right ?

Mr. Blake said yes

Mr. Mark Maryanski Esq said and marked on it, you have high-lighted, the subject property in orange, and surrounding properties are highlighted in yellow. Is that right ?
Mr. Blake said that's correct
Mr. Mark Maryanski Esq said you were able to obtain on-line at various sites, such as realtor.com, Zillow, whatever, the square-footage of some of the homes in the area
Mr. Blake said right
Mr. Mark Maryanski Esq said and they are marked, the ones that are high-lighted, are comparable in size to what's being proposed ?
Mr. Blake said the ones that are highlighted are within 100 sq.ft. within 1% or 2% of the FAR that we are proposing. So we think it is noticeable that the houses near us are of similar size.
Mr. Kassis asked about copies of the said Tax map. He was told that there were 10 copies here.
Mr. Mark Maryanski Esq said so on the list, which we will mark A-2, are these surrounding properties, that have been high-lighted on A-1, is that right ?
Mr. Blake said that's correct.
Mr. Mark Maryanski Esq said actually, highlighted on the list, are six of the eight properties, which range in size according to your information, you were able to obtain, from anywhere from 2500 sq.ft up to 3400 sq.ft.
Mr. Blake said that's correct.
Mr. Mark Maryanski Esq said actually if you averaged out those six highlighted properties, the square footage on average would be just under 2900 sq.ft.
Mr. Blake said that's correct.
Mr. Mark Maryanski Esq said and the proposal for the application, if granted, would be how many square feet?
Mr. Blake said 3041.
Mr. Mark Maryanski Esq said would you say that that's comparable, in your opinion ?
Mr. Blake said yeah, it's comparable to houses in the neighborhood. Some of these houses are newer, some of the houses that are older. But again, the sizes are similar……
Mr. Mark Maryanski Esq said and the high-lighted homes are two adjoining the next door properties on either side of the subject property and directly across the street. There are six different homes which are in the immediate vicinity. Isn't that right?
Mr. Blake said yes that's right.
Mr. Mark Maryanski Esq said so again. Would you say in your opinion that the proposed home that you renovated would be compatible with the area ?
Mr. Blake said I do. I do believe that it fits in the neighborhood . The properties are of similar size and the houses are of similar size to what we're proposing.
Mr. Mark Maryanski Esq said it wouldn't stick out like a sore thumb or anything like that ?
Mr. Blake said I do not think so, no.
Mr. Mark Maryanski Esq said and do you see any detriment by the granting of these variances if this proposed house were approved ?
Mr. Blake said no I don't believe so. Especially from the street point. They would say that Cresskill observes the house is worth more than it is now. We are turning a little ranch house into a 2 story colonial, which is very common and compatible in the neighborhood. So the additional bulk, if you will, is only bulk to the rear, and we are preserving the Rear Yard Set-back, we are not increasing any of the Side Yard Setbacks. And it really is just a function of the existing houses, again what is the existing width

of the house, when one has luxurials making it more square, more of this and more of that. We have to kinda work with what we have . We do have to keep 50% of the exterior walls we understand that criteria. So this is kinda the result that would work for us . (**15:41**)
Mr. Mark Maryanski Esq said and in fact, looking at the list again, A-2, two houses, one directly across the street on the corner, and on the opposite corner are the larger than those, almost 3200 sq.ft. and 3400 sq.ft.
Mr. Blake said that's correct
Mr. Mark Maryanski Esq said so in your opinion do you believe the requested variances could be granted without any substantial detriment to the public good in the surrounding area and the Zoning ordinance of the Borough of Cresskill ?
Mr. Blake said I do.
Mr. Mark Maryanski Esq said no further questions.
Mr. Kassis said question regarding just for the record include "we affirm, these were generated through an internet search and not through a licensed surveyor or other Tax *correctives…….* ***(16:41)***
Mr. Mark Maryanski Esq said correct these are subject to be a little off…….. just what we can find .
Mr. Kassis said so did you compile this yourself ?
Mr. Mark Maryanski Esq said yes
Mr. Kassis said and the numbers on……
Mr. Mark Maryanski Esq said yes
Mr. Kassis said so I see that you have high lighted different spots and Jason is a property, across the street from the property , but there is nothing high-lighted up for a good portion of the block. Either on the same side of the proposed addition and also across the street. Are those outside the parameters. Why wasn't that information included.
Mr. Blake said because it doesn't serve our good……..the idea was to show……..the houses around us are out-sized. We didn't do the whole of Cresskill, but we did the plot on both sides of the street. The neighbors' houses are on the plot where our house is.
Mr. Kassis said so would it be fair if I said you picked and represented on this chart only those properties that were of significant size *and comparable ?*
Mr. Blake said that's what we are doing we are showing the ones that are comparable.
Mr. Kassis said and regarding to compare, 75 by 100 is the lot size of your client. And looking at your sheet, you have two lot sizes on the sheet, that are 75 by 100. The first one is 2658, and the other 75 by 100, which wasn't high-lighted, for some reason, is 2614. You testified that your square-footage, If you could repeat that for your client.
Mr. Blake said 3014
Mr. Kassis said so if you were to compare the two 75 by 100 on what you provided to us, then you are significantly higher than those equal sized properties.
Mr. Blake said you could look at it that way. You could say we are smaller than the 50 by 100 properties…….there are a lot of ways we can reconstruct these numbers. I understand that. We are not trying ……we are trying to say there are other comparable houses on the block.
Mr. Kassis said alternatively you have 100 by 100 which is the *standard* lot, that has a smaller foot-print than what you are proposing. Actually two 100 by 100 lots. It looks like, based on what (19:42)
you gave us, that a 100 by 100 lot are pretty close, but smaller, to what is proposed. And the 75 by 100 lots that you provided are both smaller in square-footage. Now, I don't know when those houses were built, but the planning of the two units is to look at the general make-up of the community…….and to create an application that fits into the community……Now then, in regard to the current structure- Does anyone have any other question regarding the chart ? One thing at a time.

Mr. Bancroft said I would like to point out that the 50 by 100 is 3420. I don't think that just **(20:20**) cherry-picking a few……highlight them. I think that they are showing in the range of what they are proposing to us, and that 50 by 100 at 3420 sq.ft., and that 100 by 100 carrying 200 sq.ft. I see a similar range. Am I missing something ?

Mr. Kassis said ……..did I unfairly state that I think *that he gave, write off what he gave me*……..

Mr. Bancroft said I was just going to ask, lets see one……that's on 144 7th St. I believe that's a two or three family house. I don't know that I would consider that comparable to a single family home. **(21:36)**

Mr. Blake said ….I don't believe that it is not a comparable, because there has been some talk about FAR. We are talking about size of houses, size of buildings. If you drive down these streets. Personally, I have never gone down these streets. You have a hard time perceiving ……..what's on the 75 foot property, behind the property. I think the houses kind of blend together, and they are all in the 3000 square foot range. Two door or three doors, two logical panels or one logical panel, I still think that all the buildings are compatible. That's what logistics is trying to show. I didn't mean to give nitty-gritty. And I know that sometimes we concentrate too much on the numbers, but that's my opinion.

Mr. Kassis said okay. Any other questions…… ? My question regarding your application and the proposed right side of the house, is very concerning to me. Where currently there is a one story garage there.

Mr. Blake said right.

Mr. Kassis said so the plans in the community, when it was built, was to have one story structures, closer to the property line and having the larger part of the house, the further distance from the property line. You are now proposing that the right side of the house is going to go up to full height to 2 ½ stories. It seems to be concerning regarding air and light for the adjoining properties (**23:06**) And for me that is an issue. There's ways of dealing with that, by sending the top level back a little bit to increase that. But I would like to hear what thought has been given to it. And what you think you could do to mitigate the concern that I have that will make it *amenable to this town.*.

Mr. Blake said we did put steps in the rear of this property to maintain a 16' Side Yard set-back towards the rear of this property. We did work to put the foot-print of this 20' plus or minus deep garage that is 9 ½ feet off the property line. I can't say that there is not a way to make it look like a work, but sometimes I think—I don.t know, I'm trying to get away from a 1970's version of a colonial house where there is a one door garage with a little tail lighting up the side and a big……box over here. It seems more modern architecture version of trying to incorporate the garage in this house and not make it look like a little tail step from the side. That being said, yes it creates additional zoning, and I understand that and that's why we are here. And, again, is there a way to make a one story structure look like a two story house. I'm sure there is…….We could minimize the roof and make more of a **(24:55)** Hip roof there or something like that……

Mr. Kassis said so at 4.9' which is the portion of the garage that protrudes past the powder-room, pantry and mud-room. What if you were to leave a one-story garage SS 4.9' and carry something greater that would create a larger, less intrusive second floor to the neighbor .

Mr. Blake said it obviously could be done

Mr. Kassis said okay. Going through the house business math. At the same time air and light is an issue. The value of the home and the sentimental values and financial values too. And we want to have a certain appearance. I'm sure you'll agree…….that is one concern I have. *I will turn this over to the Board before I voice my other concerns*. Are there any other questions ?

Mr. McCord said I just want to make a comment. I have an old property……I think my lot is 44 feet wide. So, when somebody is coming in front of us with a smaller lot, don't we consider it a hardship ?

Mr. Kassis said the Zoning in Cresskill has been adjusted, not too long ago, to accommodate with a sliding scale, smaller sized properties. So the adjustments that you are speaking about, have already been made, and put into the Zoning laws in Cresskill. They are here in front of us for an adjustment to something that was previously adjusted by the municipality, and to accommodate, just as you said. So this is sort of a second adjustment to what was previously adjusted. But I think air and light is critical. And having separation, at least visual separation is critical, and that just happens to be my thing. Since there seems to be more than one Board member's opinion. But are there any other concerns, comments, regarding anything here ? We are looking at Impervious Coverage. While **(28.09**) Impervious Coverage can often be corrected by Seepage tanks . The Impervious Coverage is going to be higher than was permissible. And seriously, you need a reason to want the municipality to make an adjustment to its Zoning requirements. So can we talk about the Impervious Coverage, and what possibly could be done to reduce the Impervious Coverage, so that you are not faced with having to grant a percentage. Can something be done to either reduce or eliminate that…….

Mr. Blake said the Impervious Coverage is 286 square feet . One of the things we are doing is taking a singular car width garage – wise and creating a double width garage width. Obviously we are going from a single car garage to a two car garage, so it coincides with that. We don't have a large triangular, so it's not a peak driveway, but it is full width. That's part of our Impervious Coverage addition. As well as the house itself…….regular paver patio in the rear. Again pavers insinuate that there is some drainage……it is not just a sheet of concrete out there

Mr. Kassis said the municipality does not agree with you on that. Permeable paver patios are impervious so they would be included in any calculations. What you are suggesting, _while there may be some truth to it, is not respective of Cresskill Zoning Laws.

Mr. Blake said I understand. We do have a patio 263 sq.ft ……it's kinda the right size for a table and chairs…….So as far as the size of the house and the paver patio and the driveway, in the front a tiny little sidewalk just to get to the front door, we really don't have a lot of extraneous coverage to cut back on. Now, obviously, the size of the paver patio could be slightly reduced, could take a foot or two out of the driveway, possibly (Mr.Blake checked the plans) yes, we could. So I'm not saying that the first 50 to 100 square feet of coverage that couldn't be reduced ……but it wouldn't matter. It would be a one major change of plans.

Mr. Kassis said I don't completely agree with you on the size of the patio, and the driveway. Can you get 2 cars in the driveway ? It's got to be a certain size. And your front walkway is……So, assuming for a moment that you were able, and I've seen you, you are very creative, you have come up with many very nice plans, in all the years I've been on this Board. Assuming for a moment that you reduced the second floor directly on the right hand side of 4 foot 9 inches. How would that change your FAR ?

Mr. Blake said that would be almost 5 feet by almost 22 feet so

Mr. Kassis said you want to take a minute to calculate that. So you can give us an accurate number if we wait.

Mr. Blake said that would be 110.25 square feet reduction.

Mr. Mark Maryanski Esq said Mr. Chairman could we take a couple of minutes ?

Mr. Kassis said absolutely, I would rather have this resolved, so we can move forward.

Mr. Lavon, Mr. Blake and Mr. Mark Maryanski Esq left the court room to consult.

Mr. Blake said reducing the second floor by 4.9 feet over the garage, would reduce our FAR by 110 sq.ft, that would reduce our percentage by 1.5 % so it will be 6% or whatever it will be. A little bit more than four and a half over .

Mr. Kassis said Alright, is that something that was amenable to your client ?

Mr. Mark Maryanski Esq said reluctantly.

1421 Avi Lavon (cont.) 159 Seventh St Block 34 Lot 266

Mr. Kassis said I think it is important to maintaining a 15 foot line. A 15' line is suitable for Air and Light for whoever is going to live next to that *relief…….*

Alright, any other ?

Mr. Van Horne Esq said so Mr. Cleary you are moving to amend the application. Can you give us a number, Chris, on the proposed FAR .

Mr. Blake said I can give you the exact number 39.08 %

Mr. Van Horne Esq said and the variance required ?

Mr. Blake said 4.76%

Mr. Van Horne Esq asked and the other numbers change as well ?

Mr. Blake said the other numbers don't change because the Coverages don't change because of light resistance ……..

Mr. Kassis said okay, any other questions or concerns regarding this application ? **(35:43)**

Mr. Bancroft said just one, does the coverage go from 3400 square feet to what ?

Mr. Blake said it was reduced by 110 so……..2931.

Mr. Kassis said so we are getting much closer to the 75 by 100 lot……. Okay. Are there any other questions regarding this application ? Is there anyone in the audience for or against this application that would like to be heard ? Let the record reflect that no-one was here to do so. Next would be a motion from the Board either for or against the application. Can I have one, please ?

Mr. Bancroft *made the motion .*

Mr. Kassis said we will need a second for that motion

Mr. Cleary *seconded the motion.*

Mr. Bancroft said just to be clear, this is with the amendment .

Mr. Blake said yes.

Mr. Kassis said could we have a Roll-Call please.

Ms.Bauer took the Roll-Call, all Board members present voted yes.

***Mr. Kassis** thanked the applicants for their cooperation .*

Mr. Kassis said next application tonight is # 1422

Please see next page

Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 pm
Minutes Mar. 28, 2024

APPLICATION

1422 Tal Topaz 8 Douglas Drive Block 1.05 Lot 14

	Required	***Existing***	***Proposed***	***Variance***
Front Yard Set Back	*25 ft.*	*28.38'*	*28.38'*	
Side Yard Abutting/Lot	***15 ft.***	***10.22'***	***10'***	***5'***
Other Side Yard	***20 ft.***	***20.12***		
Combined Side Yards	*35 ft.*	*30.34'*	*30.34'*	*ENC*
Rear Yard Set Back (addition)	***30 ft.***	***30.06 ft***	***22.09***	***7.91 ft***
Max. Livable Fl. Area (FAR)	***31.62%***	***36.37%***	***36.96%***	***5.34%***
Lot Frontage	*100 ft.*	*90.49'*	*90.49'*	*ENC*
Lot Depth	*100 ft*	*91.74'*	*91.74'*	*ENC*
Bldg. Coverage %	***20%***	***22.9%***	***23.48%***	***3.48%***
Impervious Coverage variable	***30.90%***	***34.7%***	***37.70%***	***6.80%***
Height of Bldg./stories	*2 ½ sty/ 28.0'*	*2 ½ sty/ 27.75'*	*2 ½ sty/ 27.75'*	
Lot Area	*10,000 sq. ft.*	*8650 sq.ft*	*8650 sq.ft*	*ENC*
Min. Dist. House to pool	***15'***		***10'***	***5'***
Min. Side yard (pool)	*5'*		*5'*	

Please see next page

1422 Tal Topaz (cont.) 8 Douglas Drive Block 1.05 Lot 14

Mr. Tal Topaz is before the Zoning Board for approval.

He proposes to construct a new in-ground pool, and a one story rear addition.

At the request of the applicant, the application was carried from the Feb. 22, 2024 ZBOA meeting

Mr. Kassis *said the project architect was previously sworn in.*

Mr. Mark Maryanski Esq said Mark Maryanski again, on behalf of the applicant.

Mr. Blake was sworn in. **(38:22)**

Mr. Mark Maryanski Esq said Mr. Blake you were retained by the applicant to prepare the plans in connection with this application ?

Mr. Blake said yes I was.

Mr. Mark Maryanski Esq said and you familiarized yourself with the property and the surrounding neighborhood ?.

Mr. Blake said yes I have.

Mr. Mark Maryanski Esq asked and you are familiar with the Cresskill ordinances relative to this application ?

Mr. Blake said yes.

Mr. Mark Maryanski Esq said this proposal is for a small rear addition and an in-ground pool, is that correct ?

1422 Tal Topaz (cont.) ***8 Douglas Drive*** ***Block 1.05 Lot 14***

Mr. Blake said yes that's correct.

Mr. Mark Maryanski Esq said this property was before the Board approximately a year ago for renovations to the existing home. Is that right ?

Mr. Blake said that's correct.

Mr. Mark Maryanski Esq said certain variances were approved at that time for the renovation. Is that right ?

Mr. Blake said that's correct.

Mr. Mark Maryanski Esq said Okay, and then my understanding is that the pool was not part of that application, nor the rear addition, because a contract purchaser came along to purchase the property, when the renovations were done, and wanted a pool. Is that right.

Mr. Blake said ……..

Mr. Mark Maryanski Esq said the contract purchaser……that's why it wasn't on the original application.

Mr. Blake said that's correct.

Mr. Mark Maryanski Esq said the purpose of that new addition is in connection with the pool. Right ?

Mr. Blake said yes, it's a *sun-squared* pool-house, it's just connected to the building because of the *tightness* of the property **(39:47**)

Mr. Mark Maryanski Esq said so the variances we referred to in the Zoning information again . We have a Building Coverage variance. Correct ?

Mr. Blake said yes .

Mr. Mark Maryanski Esq said and we are increasing the existing- I just want to point out that it is already non-compliant with the Building Coverage, even without the addition

Mr. Blake said that's correct.

Mr. Mark Maryanski Esq said and with the additional small addition, while we have a variance of 3.48%. Right ?

Mr. Blake said yes.

Mr. Mark Maryanski Esq said with that, it's only increased by, I calculate, .58 % with what's existing now . Correct ?

Mr. Blake said correct.

Mr. Mark Maryanski Esq said so it's only a very small increase with what's existing now ?

Mr. Blake said yes. We have 51 square feet and the property is less than 10,000 square feet. So it's less than half a percent.

Mr. Mark Maryanski Esq said would you characterize that as de minimus ?

Mr. Blake said yeah…….it's a tiny little addition……..a pull-out bathroom.

Mr. Mark Maryanski Esq asked what's the size ? How wide is it, how long, how deep ?

Mr. Blake said six feet by eight and a half feet.

Mr. Mark Maryanski Esq said and we have a Rear Yard Setback variance proposed, but that's because of the increase in width of the addition. Right ?

Mr. Blake said yes……

Mr. Mark Maryanski Esq said the remainder of the house, the structure itself satisfies the Rear Yard Set-Back. Right ? **(41:29)**

Mr. Blake said correct

Mr. Mark Maryanski Esq said so we have that six foot wide projection into the rear yard

1422 Tal Topaz (cont.) ***8 Douglas Drive*** ***Block 1.05 Lot 14***

Mr. Blake said correct

Mr. Mark Maryanski Esq said that is the variance required at 7.91 feet. Is that right ?

Mr. Blake said yes . We are proposing 22.09, where 30' is required

Mr. Mark Maryanski Esq said we have an Impervious Coverage variance. We are showing a variance of 6.80 %. It's only increasing by about 3% from what's existing. Is that right ?

Mr. Blake said yes. It's just the portion of a little patio. And again its an appendage of barrier itself.

Mr. Mark Maryanski Esq said we have a Side-Yard variance of 5 feet. That's for the pool. Right ?

Mr. Blake said the variance of 5 feet is because fifteen feet is required for a Side-Yard Set-Back of the pool, we're proposing 10 feet.

Mr. Mark Maryanski Esq said for that proposed 10 foot set-back, that essentially matches the existing Set-Back and Side-Yard for the house. Right ?

Mr. Blake said correct. The Side-Yard Set-Back for the House and for the Pool are about the same at fifteen feet…….

Mr. Mark Maryanski Esq said and now we have, because of the addition, that small addition, we have a net FAR . Again we show 5.34 % variance, but it's a very slight increase from what's existing.

Mr. Blake said correct, it's just barely over a half percent. About one square feet……..

Mr. Mark Maryanski Esq said the existing is 36.37 %. Proposed is 36.96 %. Again it's a de minimus violation?.

Mr. Blake said yes.

Mr. Mark Maryanski Esq said the only thing left here is the distance of the house to the pool. There is a 15 foot required Set-Back from the house and we are proposing ten feet. Is that right ?

Mr. Blake said we are proposing 12.57 feet to the original house. To the main house, if you will. Again, this appendage is coming closer, 4.57 feet at that one point.

Mr. Mark Maryanski Esq said it shows in the Letter of Denial, five foot variance. But you are saying it is actually less than that ? **(44:03)**

Mr. Blake said Yeah, it does.4.57' from the pool to the house……..

Mr. Blake said we are proposing 4.57 feet from the pool to the house. Where it's required to be 15 feet. That would create a 10.43 overage of variance.

Mr. Mark Maryanski Esq said Again, that is because of that appendage, as you were saying, it's the small bathroom addition . From the principal structure it's showing 12 for the 12 feet.

Mr. Blake said right, twelve and a half feet and again, the house and the property……

Mr. Mark Maryanski Esq said essentially, the addition is a attached pro-cabana to the house……. **(44:53**)

….continued discussion of ***Mr. Mark Maryanski Esq and Mr. Blake regarding Impervious Coverage……..***

Mr. Mark Maryanski Esq said just one point, the Rear Set-Back from the pool. That's compliant, right ? Five feet is required from the rear…….

Mr. Blake said it is. We are kind of controlling that anyway……there is a retaining wall back there.....

Mr. Mark Maryanski Esq said the physical characteristics of the property in the rear there are dictating the location of the pool ? **(46:38**)

Mr. Blake said yes

Mr. Mark Maryanski Esq *reviewed the set-backs* . The Rear Yard is compliant ,and the Side Yards match the existing Side Yards. Do you see any detriment of the variances to the surrounding area, the neighborhood, the Zoning areas ?

Mr. Blake said no I don't think so……..

……Recording deteriorated and became very burred……. **(47:19)**

1422 Tal Topaz (cont.) 8 Douglas Drive Block 1.05 Lot 14

Mr. Kassis said okay**……summarized the testimony presented and asked for clarification**

Mr. Blake *gave an explanation*

Mr. Blake said what we are proposing is an increase in Impervious Coverage **(48:59)**

Mr. Bancroft *asked about the structure of the original building*.

Mr. Mark Maryanski Esq *said he could not answer the question.*

Mr. Mark Maryanski Esq *said that the owner had received a temporary C.O*

Mr. Kassis said so looking at the Impervious Coverage. I don't see anything here about coping……. are you suggesting a pool without any coping around the perimeter of the pool ?

Mr. Blake said *very minimal coping*.

Mr. Kassis asked *why the coping was omitted.*

Mr. Kassis said and there is also no indication that there is any fencing.

Mr. Kassis *discussed the requirement of fencing.*

Mr. Mark Maryanski Esq *explained the omission of fencing and coping in the application.*

Mr. Mark Maryanski Esq said the applicant says that the fence is being completed around **(52:14)** the property.

Mr. Kassis *questioned the accuracy / completeness of the application.*

Mr. Kassis said alright

Ms. Westerfeld asked did you give any consideration to not need so much Impervious Coverage, and have two patios essentially ?

Mr. *Blake* *gave an explanation*

Ms. Westerfeld said I have one more question . Have you considered taking the bathroom, part of the pantry and the closet…….. and use the space you have already.

Mr. *Blake* *said I just designed the plan for the applicant****……***

Mr. Kassis asked why the 15' variance was required for a Pole structure. **(53:39)**

Mr. Blake said I wouldn't know.

Mr. Blake *presented possible legal requirement.*

Mr. Kassis *explained that the 15 foot was a safety requirement of the Fire Department.*

Mr. Kassis *described the construction proposed.*

Mr. Kassis *asked are there any other comments or questions from the Board ?*

Ms. Wehle asked *where Pool equipment will be kept*.

Mr. Blake *described the location*

Mr. Kassis said *are there any other comments or questions.*

Is there any member in the audience that wants to be heard on this application.

Let the record reflect that no one wanted to be heard.

Mr. Mark Maryanski Esq requested a five minute conference with Mr.Topaz and Mr. Blake **(57.31)**

Mr. Mark Maryanski Esq introduced T. Copeg purchaser of the property. **(57:57)**

Mr. Copeg was sworn in

Mr. Copeg *described his plans for the property. We want to have the best solution approved. To make the property as more convenient as we can. To make more space for the Fire Dept…….*

Mr. Kassis *said I want to give time to savor all this. The bath is 6 feet deep. If you take this off, the house is 12……the bathroom cannot be made much smaller than that……If you come back with any revision to build……..I recommend that you do that. We could deal with this maybe next month. Come up*

1422 Tal Topaz (cont.) ***8 Douglas Drive*** ***Block 1.05 Lot 14***

with the number you need for coping…….A configuration of how it's going to look…….Moving the bathroom around……..Give gate-keepers a better idea that you can come up with. Minimize your time here. It's hard to vote on this application the way it's provided.

Mr. McCord asked to the left of the pantry there seems to be a fairly large open area where the garage……..Is there a reason why this bathroom can't be put in that area ? (**1:01:39)**

Mr. Blake *explained why the bathroom could not be placed in that area.*

Mr. Kassis said leave the pool as it is , eliminate the bathroom completely.

Mr. Mark Maryanski Esq, Mr.Topaz, and Mr. Blake returned from their conference.

Mr. Kassis asked if they had come back with some changes

Mr. Mark Maryanski Esq said if I may, there are time constraints with respect to the pool. That is why we are requesting that the pool variance stand alone, decided on. We can come back with respect to revising the plan with the addition. But if we eliminate the addition, all we are looking for is the Side-Yard and the distance from the house from the pool. And any other subjects to the final ……..stance reviewed…….submitted, disarming, instructions whatever as condition. We have no problem coming back at a later date for the addition. But we are still under some time constraints with respect to the pool, because of the contractual stipulation with the buyer…….

Mr. Van Horne esq. said this is a new application……

Mr. Mark Maryanski Esq said we will re-notice and do whatever we have to do for a new application.

Mr. Kassis said for the record, the applicant tonight, is named as the applicant.

Mr. Copeg *made a comment.*

Mr. Kassis said You are not the current owner of the property, you are in contract……

Mr. Kassis said you are looking for approval just for the pool. 208 additional square feet for additional patio, according to what the plan says.

Mr. Mark Maryanski Esq said correct. **(1:08:30)**

Mr. Kassis said 208 square feet of Impervious Coverage and we are looking for the Set-Back to the pool.

Mr. Mark Maryanski Esq said correct.

Mr. Van Horne esq. said the set-back is 7 feet from the house. The revised Impervious Coverage is 37.1%.

Mr. Kassis said 10.5 feet variance for the side of the house.

Mr. McCord asked **w**here is the 208 feet for the patio, where is that exactly ?

Mr. Blake said where the deck is on the drawing, where the leads…….The previous patio which is not depicted,…..was 280 square feet

Mr. Kassis said lets just call it Impervious Coverage…….

Mr. Kassis said we have an amended application

Mr. Mark Maryanski Esq said we are withdrawing the application.

Mr. Van Horne esq. said yes

Mr. Kassis said is there an 'app' on this application?

Mr. Mark Maryanski Esq said yes.

Mr. Kassis said is there a motion to approve or deny the application as modified.

Mr. McCord said Chris could you just give us the numbers one more time, tell us what the revised numbers are. Is that 2.4 from the house to the *patio* ? **(1:11:22)**

Mr. Blake said correct.

Mr. McCord said the Impervious is what again ?

1422 Tal Topaz (cont.) ***8 Douglas Drive*** ***Block 1.05 Lot 14***

Mr. Blake said 6.2 coverage
Mr. McCord said Building Coverage ?
The Building Coverage does not change. Pool only. No new structures added.
Mr. McCord said I make a motion to approve it.
Mr. Kassis said we have a motion to approve. Do we have a second motion ?
Mr. Bancroft said I'll second it.
Mr. Kassis said Mr. Bancroft seconded. Bobbi, Roll-Call please.
Ms. Bauer *took the Roll-Call.* ***(1:12:13)***
Mr. Kassis *voted 'No' because of the Distance to the House.*
Ms. Wehle voted 'No' .
All other Board members present voted yes.
The application was granted and the Applicants thanked the Board.

Mr. Kassis said we have one other application tonight # 1424
1424 Yan Shtarker **26 Emerson St** **Block 120 Lot 40**
Would the applicants for this application please step forward . **(1:13:29**)

Application

1424 Yan Shtarker **26 Emerson St** **Block 120 Lot 40**

	Required	**Existing**	**Proposed**	**Variance**
Front Yard Set Back	25 ft.	26.60 ft	26.60 ft	
Side Yard Abutting/Lot	15 ft.	17.20 ft	17.20 ft	
Other Side Yard	**20 ft.**	**19.00 ft**	**19.00 ft**	**1.0 ft**
Combined Side Yards	35 ft.	36.20 ft	36.20 ft	
Rear Yard Set Back	**30 ft.**	**36.6 ft**	**36.6 ft**	
Max. Livable Fl. Area (FAR)	39.00%			
Lot Frontage	100 ft	100'	100'	
Lot Depth	100 ft	100 ft	100'	
Bldg. Coverage %	**20%**	**22.15%**	**22.15%**	**ENC**
Impervious Coverage variable	**30 %**	**31.66%**	**37.51%**	**7.51%**
Height of Bldg./stories	2.5 ½ sty/ 28.0'	2 sty/ 27.75'	2 sty/ 27.75'	
Lot Area	10,000 sq. ft.	10,000 sq.ft	10,000 sq.ft	
Min. Dist. House to pool	**15'**		**13'**	**2'**
Min. Side yard (pool)	5'		5'	

Mr. Yan Shtarker is before the Zoning Board for approval.
He proposes to build an inground pool and expand the driveway.

Mr. Yan Shtarker and Mr. Jason Werner introduced themselves to Mr. Van Horne Esq.
Mr. Yan Shtarker and Mr. Jason Werner were sworn in. ***(1:14:27)***

1424 Yan Shtarker (cont.) 26 Emerson St Block 120 Lot 40

Mr. Kassis said thank-you for coming tonight with your application. Please start with what is going on here in the Back-Yard……what you are looking to have……..variances in the Back-Yard. Is there a swimming pool and a patio ?

Mr. Jason Werner mentioned Impervious Coverage: Existing: 31.66% Proposed: 37.51% (**1:15:37)** The variances we are looking for are distance to the house of the swimming pool. We have a rear Easement, that we are up against (explanation of the variance of the minimum distance of the pool to the house). The Side-Yard, required 15 feet, we are using 12 feet……It's my understanding that the code recently changed……..and finally what we are looking for Impervious Coverage. It requires 30%. We need 37.51%. We are seeking a normal walkway along the two sides of the pool . What we have is a front section in front of the pool closest to the house …….and tables and chairs for a snack area with children, for a lounge area. Also we have a lot of chairs. They also have 3 children, 8,10, and 12……..safety……trip area where the wood meets the grass.

Mr. Kassis said on the application in front of us, the application is to build an inground pool and to expand the driveway……

Mr. Jason Werner said the driveway should be 27 square feet. The driveway is straight out**. We** have two cars side by side…….*described the difficulty maneuvering the cars in and out of the driveway without running on the grass.* ***(1:18:00)***

Mr. Kassis said was this taken into consideration when you did the calculation for Impervious Coverage?

Mr. Jason Werner said if you look at the Impervious Coverage calculations…….

Mr. Kassis said on the dash Y that appears on the left side, on the left corner that you are referring to in being expanded out ?

Mr. Jason Werner said yes, Sir.

Mr. Kassis said……..

Mr. Jason Werner said yes, Sir.

Mr. Kassis said *and to confirm in the drawing there……*

Mr. Jason Werner*……gave explanation****….***

Mr. Kassis asked about coping.

Mr. Jason Werner *said the neighbor has a garage close to the property. We are not impeding her view because of the side of the garage. Effectively, I am using the space.*

Mr. Kassis said on the Impervious Coverage, around the pool and the straightening out of the driveway, leaves 7.51 %..... **(1:20:12)**

Mr. Jason Werner said you have 31.66% existing Impervious Coverage .

Mr. Kassis said right, I understand that .

Mr. Kassis said okay, does anyone on the Board have any questions ?

A neighbor said she had no questions nor comments.

Mr. Kassis said let the record reflect that there was no-one here in the audience for or against this application.

Mr. Kassis said …….are there any more questions before I ask for a motion to approved or deny this application.

Mr. McCord said I make the motion to approve.

Mr. Kassis said Mr.McCord made a motion to approve. Is there a second.

Ms. Wehle seconded .

Ms. Bauer did the Roll-Call.

All members of the Board voted in favor of approval.

Mr. Kassis thanked the applicants, and advised them of the procedure required following this hearing.

Mr. Kassis said *next on the agenda is the memorialization of application #1418***.**

Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 pm
Minutes Mar. 28, 2024

Mr. Van Horne Esq. officiated the Memorialization.

1418 Majid Syed & Deeba Patel 62 Merritt Ave Block 28.01 Lot 4

	Required	***Existing***	***Proposed***	***Variance***
Front Yard Set Back	*25 ft.*	*25.5 ft.*	*25.5 ft.*	
Side Yard Abutting/Lot	***15 ft.***	***7.5'***	***7.5***	***ENC***
Other Side Yard	***20 ft.***	***9.6'***	***9.6'***	***ENC***
Combined Side Yards	***35 ft.***	***17.1***	***17.1***	***ENC.***
Rear Yard Set Back	***30 ft.***	***28.3 ft.***	***28.3 ft.***	***ENC***
Max. Livable Fl. Area (FAR)	*34.2%*	*NA*	*NA*	*NA*
Lot Frontage	*100 ft.*	*75 ft.*	*75 ft*	*ENC.*
Lot Depth	*100 ft*	*100.7 ft.*	*100.7 ft.*	
Bldg. Coverage %	*20%*	*26.2%*	*26.2%*	*ENC*
Impervious Coverage variable	***32.4%***	***39.9% (3016)***	***41.5% (3136)***	***9.1%***
Height of Bldg./stories	*28'/ 2.5 .*	*NA*	*NA*	*ENC*
Lot Area	*10,000 sq. ft.*	*7,558 sq. ft.*	*7,558*	*ENC.*
Min. Dist. House to pool	***15'***	***NA***	***6.4'***	***8.6'***
Min. Side yard (pool)	*15'*	*NA*	*17.4'*	
Min. Rear Yard (pool)	*5'*	*NA*	*17.4'*	

The applicants were granted the above variances to construct a pool / patio.

Mar. 28, 2024 Meeting of the ZBOA was adjourned at 9:05 pm