Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 pm
Minutes Aug. 22, 2024

Present in Person:, Mr. Kassis, Mr. McCord, Ms. Wehle, Mr. Sutera ,
Mr. Van Horne Esq.(Board Attorney), Ms. Bauer (recording secretary)
Absent: Mr. Cleary, Mr. Bancroft, Ms. Westerfeld

At 7:32 pm

Mr. Kassis said Good Evening, we are calling the Aug 22, 2024 Zoning Meeting to order at 7:32 pm. This meeting had been posted in the journal as required by the Sunshine Laws of the State of New Jersey.

The Roll Call was taken.

The July 25, 2024 minutes were approved by Mr. McCord, with no changes. (2:07)

Mr. Kassis said there is one application . If there is anybody in the audience that is here for anything besides the application 1430, at 46 Heather Hill Rd. It would be a good idea to stay around until *after the hearing.*
Mr. Kassis said with that being said, the first application is 1430 for 46 Heather Hill Rd. Please step forward.

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Application

1430 Meng Xie and Guofang Teng (c/o Matthew G. Capizzi Esq.)
46 Heather Hill Rd. Block 1.04 Lot 5

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	28.4'	28.4'	
Side Yard Right	15'	10.1'	10.1	ENC
Side Yard Left	25'	12.7'	12.7'	ENC
Combined Side Yards	35'	22.8'	22.8'	**ENC**
Rear Yard Set Back	30'	39.33'	39.33	**ENC**
FAR Max.Livable Floor Area	34.32%	N/A		
Height of Building	30.0'	N/A		
Lot Frontage	100'	75'	75'	ENC
Lot Depth	100'	100'	100'	ENC
Bldg. Coverage %	**20%**	**20%**	**23.9%**	**3.9%**
Impervious Coverage	**32.40%**	**29.6%**	**42%**	**9.60%**
Lot Area	10,000 sf	7,500 sf		ENC

The applicants, Meng Xie and Guofang Teng, seek to install, a patio, pergola and stepping stones

Matthew G. Capizzi Esq. introduced himself as attorney representing the applicants. He said that he had moved to Westwood over a year ago.

Mr. Capizzi Esq. said this is an application for 46 Heather Hill Road. It's a fully developed piece of property, single family dwelling with a driveway. What we are seeking to do by way of this application is to create some additional paths of recreational space in the rear yard. A modest patio with a pergola on top, and some blue stepping stones that will lead from the front of the house along the left side to the rear. The variance before the Board is one of Impervious Coverage .We really think that the placement of the patio and pergola is appropriate. What you want is the South and West side yards have a similar way out as far as Impervious Coverage is concerned, with a pool and patio and some other hardscape elements. Most important on that area, approximate pergola, is a neighboring detached garage .....so that shed will provide a nice parcel between the proposed pergola element and the property that is immediate to our left. There is also a 6' high.....fence

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there.....With the exception of the pergola everything else is at grade.....The pergola will have the approximate height of 9'.....it will be shadowed by the garage.
That summarizes the application.
Mr. Chairman I have Mr. Zimmer here, *a licensed Landscape Architect.*
Mr. Richard Zimmer was sworn in. **(4:13)**
Mr. Zimmer said that he was the owner of Tapestry Landscape Architecture. I have been a licensed Landscape Architect for 25years. I am also licensed in NY. I have been accepted as a Landscape Architect in many courts throughout Europe and NJ.
Mr. Capizzi Esq. said Mr. Zimmer, we have here on the easel, the same plan that we filled with the exception of color on.
Mr. Zimmer said that is correct.
Mr. Capizzi Esq. said Mr. Chairman, would you like me to mark them ?
Mr. Kassis said it's not necessary, it's the same plan, unless you are planning on making changes.
Mr. Capizzi Esq. said *no, unless modifications are needed***.**
Mr. Capizzi Esq. asked Mr.Zimmer to review.
Mr. Zimmer said sure. So apparently the home exists on the lot , the driveway, and there is a small set of stairs only in the rear yard. There is no other.....in the rear yard or side yards..... So what we are proposing .....is a modified dining patio, also a patio area..... that will have a pergola structure, open at the top around that fire pit area. We are proposing to slightly increase the stairs that come out. They are very small, that come out of the backdoor with a small landing..... We are also proposing a small shed for storage on the .....side of the property here.....And lastly, there is a desire to have a pathway, although the rear yard of the property is fairly level, and flat. As you come to the front of the property it does slope down, and we are proposing a few stone slabs as stepping stones to try to bring us into the backyard safely so.....Using the stepping stones we try to be as mindful as we can to keep the coverages down as much as possible.....we do have the Patio spaces on this side of the property.....and this is also where the waste comes out of the house. And this also helps us to maintain a grid of our area in the back-yard here.....Helps to mitigate the Patio spaces of the yard .....coverage....We are willing to develop a seepage tank onto.....to correct and mitigate some of that run-off the patios create. That would be above surface in the backyard.
Mr. Capizzi Esq. said as far as the pergola element, could you please detail how tall that would be.
Mr. Zimmer said 9' would be the maximum height just to foreclose the pergola's *stock-shirt.* There would be *slack on the top* so that air-flow and water could come through it. Not a solid construction..
Mr. Capizzi Esq. said and what would be the offset ..... south.
Mr. Zimmer said we are about 5' 6" from the property line.
Mr. Capizzi Esq. said I've discussed some improvements that are on the southernly property area. Proximate proposed,.....Can you describe that for us please.
Mr. Zimmer said yeah. Apart of the mansion, there is this 6' solid fence,.....there are some evergreens, there is an adjacent shed.....
Mr. Capizzi Esq. said the property to the south do they have any hardscape there, where we are ?
Mr. Zimmer said I do believe yes, from the search by the lawyer, we see a pool and a deck and some other landscape involvement that they have.
Mr. Capizzi Esq. said speaking of the lot itself, we are slightly undersized. Is that correct ?
Mr. Zimmer said that is correct. We are 7500 sq ft., where 10,000 is normal.
Mr. Capizzi Esq. said Thank-you Mr. Zimmer. Anything else to tell us about the plan ?
Mr. Zimmer said no.

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Mr. Capizzi Esq. said any trivial required.....
Mr. Zimmer said I'm sorry, no there is none.
Mr. Capizzi Esq. said I have no further questions Mr. Chairman.
Mr. Kassis said a couple of questions regarding the house to the southern side of this. What is the distance between the two structures ? *The current house and the house right behind it.*
Mr. Capizzi Esq. said this house and the house to the south ?
Mr. Kassis said yes
Mr. Capizzi Esq. said I don't know exactly that distance.
Mr. Kassis said can you talk about a shed that is close to the property line on the southern part of this property. It's not a garage, its a shed. My question to you. The size of the shed seems to suggest that the shed will act as a buffer. How big is this shed compared to the size of this pergola, that appears to be 30' deep ?
Mr. Zimmer said it's hard to make a stake for sure, but I would say at least half feet, perhaps such as.....
Mr. Capizzi Esq. said it's just something that I initially missed from that property, and haven't drawn and measured it.....to that property.
Mr. Kassis said and you did go to that site.
Mr. Capizzi Esq. said and I know and observed that there was, seemed to be, a nice offering that already existed for that property. **(10:11)**
Mr. Kassis said the concern I have, is that the shed, like any other shed, including the shed your client is proving, can be removed at any particular time in the future without the permission of the *inputs* client. And that would create a lack of buffer. One of the things that I think would be disturbing: is to have a party in place, not that it's going to be overly loud or anything, but to have something so close to the property line, in an area where somebody else in that property would want to enjoy. Has any thought been given to shifting that away from the property line to create a better buffer between the property line and the pergola and barbeque and everything else ?
Mr. Capizzi Esq. said yes.....The way the property is laid out .....I didn't feel that the.....space is more shifted to their further side of the property from here. As well as discussion with the client to add additional evergreen, if necessary, along this. To also help to buffer we need to in this spot, within this 5'6" space, on the side of the property. I failed to mention we do have all the varieties that are in the process of growing, or plan to grow along the westerly property line. We can continue that along the southernly property line. We can provide a buffer on our site and not rely on the adjacent shed. So in the event that the shed was to be removed, there would still be an appropriate buffer between the pergola and the property to the south.
Mr. Kassis said I will pass it on to my fellow members and see if they have any *more* concern regarding that side yard and possibly the need to make it wider than 5'. I would like to hear from anybody on it.
Ms. Wehle said I have a question. From what you are saying, the whole patio area is very close to the neighbors. Is there any reason why it's so close and there is stairs etc. As opposed to having the patio come down to the stairs or eliminate the stairs..... **(12:28)**
Mr. Zimmer said the desire is to maximize the open space in the back of this property. Take advantage of this lot size of the property, which is where the pathway also would come into the back yard through it. So you wouldn't have to extend that pathway over.....There is sufficient room, if that need be, we could definitely have evergreens in there that would .....very well.

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Ms. Wehle said there is no way to shift it a little more, so you are not so close to the property line. There is no ability to switch it over, or, pardon me, not switch it over, to slide it over, so that it's more in line, even if it takes an extra step, or taking steps away from the house.

Mr. Zimmer *presented an argument against Ms. Wehl suggestion*. **(12:35)**

Mr. Kassis said according to the survey that's provided, it shows 12.7' on the left side of the house, between the property line and the structure. Any other Board members have concerns about ....,

Mr. Sutera said just a question about the terms being used in the blue stone. First it's a solid kind of approach. Roughly how much is saved in terms of Impervious Coverage ? Just a rough estimate.

Mr. Zimmer said maybe 30% less, I would say.....

Mr. Kassis said any other comments. There are not very many Board members here today so every vote is going to count on this (**15:09**)

Mr. Capizzi Esq. said if we could, Mr. Chairman, does anyone else have any further comments ?

Mr. Kassis said is there any other firm comments here. Let me just make: Is there anyone here in the audience to be heard on this application ? Let the record reflect that no one responded.

Mr. Capizzi Esq asked if they could have a brief recess to give us time to discuss the feasibility of shifting some of these elements.

Mr. Kassis said certainly.

Mr. Capizzi Esq said Thank-you.

The recess lasted about one minute.

Mr. Capizzi Esq. said Mr. Zimmer can you tell what was discussed in the hall .

Mr. Zimmer said we understand the desire to increase the distance of the proposed features from the property line, to shift it from 5'6" to 8'. Would bring this patio a little bit along to align with the back steps. The only thing, also request and modify would be that I might just slide this patio back a little bit. Because as we shift the kitchen, it creates a little bit of a tight corner.....to the backyard.....so I shift it to 8'.....and then.....2'.....so that I could still keep that nice connection on coming into the back-yard. That will give us 8' of space that we cannot buffer.

Mr. Capizzi Esq. said as for plantings in that area ?

Mr. Zimmer said Arborvitae, that I recommend and the *Conspiral* are not as high as the fence, it's 6' high

Mr. Capizzi Esq. said how many arbors , would you think we would be putting approximate to the patios ?

Mr. Zimmer said maybe seven.

Mr. Van Horne Esq. said so you are going to modify your application ? **(17:47)**

Mr. Capizzi Esq. said we are modifying the application so as to shift the patio and..... another two and a half feet to the north. So we will have a minimum set-back of 8' from the property line, and then the rear-yard set-back would be a minimum rear-yard set-back of 9'.....we will be installing approximately seven green *giant Arborvitaes at a minimum height.*

Mr. Van Horne Esq. said do you stipulate to planting in the amendment that you just described.

Mr. Capizzi Esq. said correct. That will be all conditions of approval.

Mr. Kassis said as would be the case with *CFC*.....

Mr. Capizzi Esq. said correct. We also had the opportunity to take a look at some google mapping, and the distance between our dwelling and the adjacent dwelling.....it's approximately 22'.

Mr. Kassis said alright, are there any other comments and concerns from the Board ?

Mr. Capizzi Esq. said Mr. Chairman, I know it's a little hard to *dock* but since you only have four members, an informal indication of whether an existing marker would be appreciated.

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Mr. Kassis said we can't really do that, but it will be a quick meeting. With considering concern we can introduce the alternate.....

Mr. Capizzi Esq. said fair enough. Thank-you.

Mr. Kassis said Alright, that being said, is there a motion to approve or reject this application ?

Mr. McCord made the motion to approve the application as amended

Mr. Kassis said is there a second ?

Ms. Wehle seconded.

The Roll call was taken .

All board members voted 'yes '

Mr. Kassis said the next order of business are the memorialization:

Mr.Van Horne administered the memorialization's,

Memorialisation

1425 Ilona Gont 78 Hoover Drive Block 91.07 Lot 8

Description	**Required**	**Existing**	**Proposed**	**Variance**
Front Yard Set Back	50'	55'	55'	
Side Yard Abutting/Lot	**30'**	**29.63'**	**29.63''**	**ENC**
Front Corner	50'	55'	55'	
Combined Side Yards				
Min. Rear Yard	75'	76.44'	76.44'	
FAR	20.0%	Less than 20%	Less than 20%	
Height of Building	33.0'	Less than 33'	Less than 33'	
Lot Frontage	150'	314'	314'	
Lot Depth	200'	200'	100'	
Bldg. Coverage %	**12.5%**	**Less than 12.5%**	**Less than 12.5%**	
Impervious Coverage	**35%**	**Less than 35%**	**Less than 35%**	
Lot Area	40,000 sf	40,014 sf	40,014 sf sf	
Front Fence	4' Height 50% open		6' Height 50% open	2' Height 50% open

The applicant, Ms. Gont, was granted the above variances to install a non-conforming fence at the above referenced address.

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Memorialisation

1429 TGBTB 141 Truman Drive Block 91.08 Lot 23 Zone R-40

Description	Required	Existing	Proposed	Variance
Lot Area	40,000sf	39,100		
Lot Frontage Lot Depth	150’ 200’	170’ 230’		
Front Fence	4’ Height 75% open		6’ Height Less than 75% open	
Over-sized Posts / columns	Included in Impervious Coverage			Excluded in Impervious Coverage
Distance of gates to roadway	25’		14.2’	10.8’
Height of Gate	Less than 150% fence height		6’	
Fence location from street	10’		14.2’	complies
Fence painted one color			complies	
Not installed on Berm nor swale nor wall			complies	
Finished side away from property			complies	
Permit flow of natural drainage			complies	
Not erected in borough right of way			complies	

The applicant, (TGBTB), was granted the above variances to install a security wall / fence with entrance gates at the above referenced address.

Meeting adjourned at 8:01 pm