Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 pm
Minutes Oct. 24, 2024

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

Absent: Mr. Cleary, Ms. Wehle

Mr. Kassis used tape to mend the 'stem' of one of the microphones on the court table that was broken.. The microphone appeared to be otherwise functional.

At 7:32 pm

Mr. Kassis said Good Evening, we are calling the Oct. 24, 2024 Zoning Meeting to order at 7:31 pm. The first order of business is Roll Call

The Roll Call was taken.
Mr. Kassis said Bobbi will act as proxy tonight.

Mr. Kassis said The minutes of last month's meeting were provided to the Board in advance. Do we have a motion to approve them ?
Mr. Bancroft approved the Sept. 22, 2024 minutes. Ms. Westerfeld seconded.
Mr. Kassis said any changes required ? None heard. There is a consensus for approval of Minutes as drafted.
Mr. Kassis said first application tonight is #1434, which is 91 Madison Ave Block 25 Lot 37. Step forward please. (1:45)

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Application 1434

1434 Moshe Alfassi (c/o Matthew G. Capizzi Esq.) 91 Madison Ave. Block 25 Lot 37

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	15.75'	15.75'	ENC
Side Yard Right	15'	7.66'	7.66'	ENC
Side Yard Left	20'	6.41'	6.41'	ENC
Combined Side Yards	35'	14.07'	14.07'	ENC
Rear Yard Set Back	30'	50.16	48.0' (as to deck)	
FAR Max.Livable Floor Area	**39%**	**27.88%**	**42%**	**3%**
Height of Building	30.0'	23'	27.93'	
Lot Frontage	100'	50'	50'	ENC
Lot Depth	100'	100'	100'	
Bldg. Coverage %	20%	24.92%	24.92%	ENC
Impervious Coverage	35%	47.4%	47.4%	ENC
Lot Area	10,000 sf	7,500 sf		ENC

The applicant, Moshe Alfassi would like to construct an addition. deck & stairs

Mr. Kassis said anyone here for 1434 please step forward. (2:05)
Mr M. G. Capizzi Esq introduced himself as attorney representing the applicant. (2:26)
Mr M. G. Capizzi Esq. said this is a project at 91 Madison Ave. We are doing *refercations* homes here. At 91 Madison Ave., essentially you have the application of.....add a level on top of the existing single family dwelling. Property itself is significantly undersized .Has 5000 sq.ft. of area where 10,000 sq.ft. is required. 50' of width where 100'is required. As a result of these two non-

1434 Moshe Alfassi (cont.) 91 Madison Ave. Block 25 Lot 37
conforming conditions, lot width and lot area, the existing improvements are non-conforming in several ways. The front and back side-yards are non-conforming. The Building Coverage is non-conforming, and the Impervious Coverage is non-conforming. When we traced the add-a-level directly on top of the borough school-yard none of those non-conforming conditions are exacerbated or worsened in any way, but because we are adding additional building area on the non-conforming first floor, we do need variances as well for the Side-Yard set-back..... and Front-Yard set-back

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.....to be 2nd floor components because it is following the first-floor building in all respects. The Building Coverage is not increased at all, and the Impervious Coverage is not increased at all. The FAR variance, and the height *have increased* .
The architect is before the Board this evening . If I can have him sworn.....
Mr. Ali Qureshi was sworn in (4:11)
Mr M. G. Capizzi Esq said could you give the Board your obligations, please.
Mr. Ali Qureshi recited his credentials.
Mr M. G. Capizzi Esq said Thank-you Mr. Qureshi. The plans that you have on the easel, can you identify them for us please.
Mr. Ali Qureshi said yes. On the first sheet. This is the survey, existing conditions,.....existing house, and then on the second.....the.....*rustling of paper*.....
Mr M. G. Capizzi Esq. said could you take us to the existing conditions please .
Mr. Ali Qureshi said it is a very small morbid house. So all we are doing is having 2nd floor on the side of existing middle section. And we are not making it bigger than the ground floor, sits on a fixed *grate* on the ground floor. This is the existing basement, which is finished with a bathroom and some rec. rooms. This is the existing ground floor- all we are doing is adding a deck. Actually, we are replacing an existing deck.....to make it more useful. The ground floor plan are 15 foot stairs, the way it is. And the 2nd floor is right on top of the ground floor. Right now, ...a middle section built in the middle of the building and .....to cover the ground floor. So this is the plan of the building and we comply with the height. And it's going to be much more better looking than what we have right now. And because of its position, the house will have much better spaces, and will be a much better house.
Mr M. G. Capizzi Esq said As far as the renovation, I'm assuming no windows on the side of your roof.
Mr. Ali Qureshi agreed
Mr M. G. Capizzi Esq said so an entire renovation of the .....
Mr. Ali Qureshi said yes. So basically whatever you see.....
Mr M. G. Capizzi Esq said As far as the *golf* table is concerned, I had mentioned the (8:01) *system enrollments* are not conforming in several respects. Does the *golf* table change at all as a result of what we are proposing ?
Mr. Ali Qureshi said the only thing that we are proposing is the FAR, variance 3%.It exceeds 3% of the required 39%. So we are at 42% .....
Mr M. G. Capizzi Esq said and that 3% equates to how many square feet ?
Mr. Ali Qureshi said it's roughly 150 sq.ft.
Mr M. G. Capizzi Esq said 150 sq.ft. Bingo!
Mr M. G. Capizzi Esq said The 150 sq.ft can you tell us how important that is to the space you are trying to create ?
Mr. Ali Qureshi said ..... (9:12)
Mr M. G. Capizzi Esq said can you take us through the room sizes . Are the room sizes modest or large ? Or how would you describe them ?
Mr. Ali Qureshi said I would say they are medium-sized rooms. But instead of putting a lot of bedrooms, we just put two bedrooms on the 2nd floor. This would be a very significant improvement.
Matthew G. Capizzi Esq. said would the FAR variance for a house that only has a footage of 2100 sq.ft is that correct ?
Mr. Ali Qureshi said yes .
Mr M. G. Capizzi Esq said So the house itself was quite modest .....

1434 Moshe Alfassi (c/o M. G. Capizzi Esq.) (cont.) 91 Madison Ave. Block 25 Lot 37

Mr. Ali Qureshi said yes it is.
Mr M. G. Capizzi Esq said I have no more questions Mr. Chairman. (9:56)
Mr. Kassis said.....it appears that the house was modified a few years ago. Could you estimate when that was.....
Mr M. G. Capizzi Esq said the front section of the house has .....a basement, and the rear section has a crawl space. I'm not sure whether .....*loud coughing*.....but I'm not sure.
Mr. Kassis said okay. The owner of the house was in front of the Board previously.....A crawl space often times is an add on to existing construction.....
Mr M. G. Capizzi Esq. said we do, Mr. Chairman, as part of preparing and filing the application before the board, we file for a request for a historical resolution. There was none available for this property .
Mr. Kassis said can we go back to the Impervious question.....window placement ..... (11:33)
Mr. Ali Qureshi said (displayed A-200) this is the house, this is the rear and these are two sides. We tried to minimize the side windows .
Mr. Kassis asked why?
Mr. Ali Qureshi said because it attracts the neighbors .
Mr M. G. Capizzi Esq said and since we are asking for a side-yard pre-existing variance , so we are trying to keep all the windows further and in the back .
Mr. Kassis said we'll see if there is a neighbor here .....we are not coming any higher along the side wall.
Mr. Ali Qureshi said the distance to the nearest neighbor on this side is 27.2'.....The neighbor on this side it's 10.32'. **Mr M. G. Capizzi Esq said** the house on 87 Madison, I think, is only 3' off the property line.....
Mr. Ali Qureshi said This house is much bigger and higher than this house will be. The center faction of the house is currently here. The building height is currently 23, and we are going to 27.2, still within the Zoning Ordinance requirement. (14:17)
Mr. Kassis said I do have concerns though with the floor plan, on the second floor, in proximity to the right side of the property.
Mr. Kassis explained his concerns that the right side of the house was too close to the neighbors. "They could exchange a cup of sugar without walking outside."
Mr M. G. Capizzi Esq said we're at 7, they're at 3 . *Distance from property line.* (15:09)
I think that the opportunity for either party to come closer to the side-yard isn't there. Which why we have respect for the 7'. The wall on the right side of the elevation, what we're proposing at, I think we only have one window that is close to the front of the building. Is that correct ?
Mr. Ali Qureshi said yes
Mr. Kassis said Only until we hear from anybody that is for or against this application tonight, in the audience.....I'll open this up to the Board. Does anyone have questions or concerns that they would like to bring forward ?
Mr. McCord said It looks like part of the driveway is on the neighbor's property.
Mr. Ali Qureshi said it looks like part of an easement, it's been there for a long time. Generally an easement shows on the survey
Matthew G. Capizzi Esq said it goes to a detached garage. How old would you say the detached garage is ? The driveway serviced that, so how long.....
Mr. Ali Qureshi said the house has a stone foundation, so it's 100 years old.
Mr M. G. Capizzi Esq said the house was built in 1900 and *trek.*
Mr. Ali Qureshi said yes**.**

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Mr. Kassis said are there any more questions for the applicants **?** Are you prepared to present any more *experts* tonight ? (17:23)
Mr M. G. Capizzi Esq said Mr. Chairman, Mr. Qureshi is the only witness we have.
Mr. Kassis said is there anyone here as observer, regarding this application, please step forward and introduce yourself. Let the record reflect that no-one was here for that purpose**.** (17:50)
Mr. Kassis said could we go back to the elevations again.
.....*Heavy Coughing from audience.....drowned out Mr. Kassis*.....
Mr M. G. Capizzi Esq said if you wanted some additional demonstrations of the left elevations. Is that something that's feasible **?** (18:23)
Mr. Ali Qureshi said yes it can be done**.**
Mr. Kassis said are you offering them **?** I am asking**.....**
Mr. Ali Qureshi said Well we are always in favor of getting more daylight, more than artificial. So, the reason, because we are already tight on side-yards, we try not to put in core windows.
Mr M. G. Capizzi Esq said so the Board is open to having additional demonstration. Instead of siding where can we get additional windows ? Can you give us some specifics (*Rattling of Paper*) 27 and change.
Mr. Ali Qureshi said The elevation doesn't match doesn't match the floor plan (20:24)
.....Specified the differences.....
Matthew G. Capizzi Esq and Mr. Ali Qureshi discussed changing the plan
Mr. Kassis said alright Are there any other questions for the applicants ? **(**20:52**)**
None offered. Is there a motion to approve or reject this application as committed.
Mr. Sutera made the motion to approve.
Mr. McCord seconded
Roll Call was taken.
All Board members, present voted yes.
Mr. Kassis said Memoralization will take place next month.
Mr. Kassis said the next application tonight is: #1435 165 Jefferson Ave. Block 33 Lots 321&322

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Application 1435

1435 Il Shemtov (c/o Matthew G. Capizzi Esq.) 165 Jefferson Ave Block 33 Lots 321 & 322

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25’	41.8’	36.8’	
Side Yard Right	15’	12.2’	12.2’	ENC
Side Yard Left	20’	9.5’’	9.5’	ENC
Combined Side Yards	35’	21.7’	21.7’	ENC
Rear Yard Set Back	30’	76.7’	76.7’	
FAR Max.Livable Floor Area	38.82%	N/A	35.1%	
Height of Building	30.0’	21.1’	28.7	
Lot Frontage	100’	50.22’	50.22’	ENC
Lot Depth	100‘	158.73’	158.73’	
Bldg. Coverage %	20%	21.1%	21.1%	ENC
Impervious Coverage	**34.90%**	**62.5%**	**66.9%**	**32%**
Lot Area	10,000 sf	7,500 sf		ENC

The applicant, Il Shemtov, would like to construct an addition and driveway

Mr M. G. Capizzi Esq said Good evening Mr. Chairman, Matte Capizzi again on behalf (22:32) of the applicants, 165 Jefferson Ave., in the borough. This is an existing, legal two family dwelling. Again, the lot is decidedly undersized requiring us to have Existing Non-conforming Conditions, namely to the Side Yard Set-Back , Impervious Coverage, and Building Coverage. Similar to the earlier application, we are proposing an *add-on top of* the existing two family. Essentially to make each unit a bit more functional than its current condition. The additional sits directly across the existing part of the *school work.* In all respects you are not increasing Building Coverage, the Set-Backs remain the same. On this particular application, there is no FAR variance being sought. (23:28) As a means of trying to make parking into and out of the site, the circulation into and out of the site , I should say, and provide two additional parking stalls in the rear yard. That results in a 300 sq.ft of additional Impervious. That’s the only bulk table *component* that is changing as a result of this

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application, that being the additional 300 sq.ft of Impervious area. We did have an opportunity to meet with our neighbor that resides to the left of us, before the meeting began. (24:00) To talk to him about some of the questions and concerns he had about the application. Of course he.....carbon emissions when parking because it's a single lane driveway that leads to the detached two car garage that extends too far in the lawn area of the property, causing vehicle headlights to spread on his property. So he is trying to address that with not proposing in a formal stage. Parking area in the rear yard....install a six foot high, solid vinyl, brick-tone fence along that lot property line in the rear yard. So there would be a visual screen from any headlight as vehicles entered or exited the property during evening hours. That is part of our application. (25.00) This is obviously a re-scaling of the entire building. One of the benefits of the application is also: If you look on the building today, you see two front doors, so it's quite obvious it's a two family dwelling.....two entry doors one for each unit. Under the proposed condition, we are eliminating that. There will still be two separate entry doors, but only one will face the street. So the street scape will not only be improved by the re-scaling it, involving and so forth, but also by the elimination of the double entry doors for each unit. Mr. McClellan is handling the Civil engineering, also the proposed..... Seepage pit.....Picked up not only the 300 sq.ft of elevation Impervious, but also there are additional Impervious areas that I will discuss in more detail. (26:01) Thank-you, Mr. Chairman. That's the summary of the application. But I can now let Mr. McClellan talk about the.....Site Plan.
Mr. Sean McClellan was sworn in.
Mr M. G. Capizzi Esq said Thank-you, Mr. Chairman.
Mr M. G. Capizzi Esq said Mr. McClellan, the plan that you have on the easel, is the same plan that was filed with the application ?
Mr. McClellan said yes it is.
Mr M. G. Capizzi Esq said Thank-you. Can you take us through the existing conditions please.
Mr. McClellan said sure**.** So briefly it is. The property is in the R-10 zone. The lot location is in several categorized lot areas. The categorized lot area is 7946 sq.ft,, where 10,000 is required. The lot Front is 50.2' , where 100' is required. The building itself is not conforming. Inside the Side-yards, we have 9.5 and 12.2, where 15 is required . Combined Side Yards 21.7 where 35 is required. (27:12) It's only Impervious Coverage we have 3924 sq.ft which is 62.5%, when you divide Impervious Coverage by Lot Area *within normally 25'.* We have a steep lot that exceeds 150. The Impervious Coverage calculation is by the area within the first 25 sq.ft. Also, the question over the Building Coverage, we have 1670 sq.ft or 21.1%, where 20% is required.
Mr M. G. Capizzi Esq said the various coverages are driven by the long driveway and .....and detached garage ?
Mr. McClellan said correct. Of the 4900 sq.ft., existing, 1700 of that is the driveway.
Mr M. G. Capizzi Esq said Thank-you. Will you take advantage of the entire lot area in the Impervious Coverage calculation ? .....to bring the percentage down ?
Mr. McClellan said sure, the existing Impervious Coverage is 49.4 *if you are using parallel area*. Still way over list. 66.9 now, 49.4 existing conditions (if you are using.....) (28:15)
Mr M. G. Capizzi Esq said Thankyou, as far as the proposed can you.....
Mr. McClellan said sure. So, briefly, the architect will know more about it.....this covered porch, in the front, will have a small addition in that same foot-print as the covered porch so the Building Coverage will not be changed *by this addition* . The other changes as far as.....300 sq.ft. of Impervious Coverage, we are adding two parking spaces on a limited property and an existing driveway.....making it easier to park and making it easier to turn around.....

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Mr M. G. Capizzi Esq said Those two parking spaces will increase the amount of Building Coverage.
Mr. McClellan said correct. The driveway is about 330 sq.ft. more, and then we are also taking some out of the walk .So we are increasing Impervious Coverage by 270 sq.ft.
Mr M. G. Capizzi Esq said as far as the drainage you are proposing **.....**
Mr. McClellan said sure. We are only increasing the Coverage by 278 sq.ft. We are providing Drainage for the entire dwelling.....They have no Drainage system. The water comes up.....and off the top.....contain the water for the entire garage . That is an area of 1334 sq.ft. We are providing drainage for about a thousand more square feet than we are required to.
Mr M. G. Capizzi Esq said would that additional retention pit be of benefit to the surrounding properties ?
Mr. McClellan said yes. So 1300 sq.ft, would put us coverage from rain fall from the roof ..... *All that would be contained with the seepage pit , and kept on the property.*
Mr M. G. Capizzi Esq said as far as the balance of the Bulk Table is concerned: Set-Backs, Building Coverage, can you tell us how these change at all ?
Mr. McClellan said sure. Front Set-back is 41.8', 36.8' to the Front porch.....Full Side-Yards remains the same, combined Side-Yards remain the same, the Rear-Yard remains the same. The Building height *was brought by* about six and a half feet, Building Coverage remains exactly the same, and the Impervious Coverage increases .....
Mr M. G. Capizzi Esq said the non-conforming conditions that are impacted by the application, is it just the Impervious Coverage ?
Mr. McClellan said just Impervious Coverage. .....
Mr M. G. Capizzi Esq said understood. As far as the fencing, that I had mentioned in my opening statement, could you discuss that please. (31:23)
Mr. McClellan said sure. We have these two parking spaces, about mid-way between the rear of the property and the existing drive. And whether you would possibly give us our fence. Start at the back, to the corner 6 foot high solid fence, to help with the spreading of the headlights.
Mr M. G. Capizzi Esq said that would be along the southern wood property line.
Mr. McClellan said correct.
Mr M. G. Capizzi Esq said as far as your opinion is, as a civil engineer, can you tell us where you think that will be added with the screening of the headlights. (31:53)
Mr. McClellan said yes. Six foot high fence will shield the headlights with about three, three & half feet above the ground.....
Mr M. G. Capizzi Esq said Thank-you Mr. McClellan. I have not any further questions, Mr. Chairman.
Ms. Stephanie DeCarlo Pantale (Architect) introduced herself. (32:41)
Mr M. G. Capizzi Esq said Ms. Pantale is just one exhibit .....we need to update the basement floor plan.....
Ms.Pantale said basically the house has.....Currently the first floor plan were taken as is. Standing step in the front on the porch. But this.....The original house has two front stairs.....here from the first floor area .....you walk into a living-room and up the staircase to the second floor.....it was very awkward and demodulated. So.....second floor, one apartment, and the first floor, one apartment. .....to a staircase to the second floor.....in here we have a living-room, dining-room. We have three bedrooms, two bathrooms,..... there is a kitchen and everything open plan, and the square footage of the first floor and covered porch. When we come up to the second floor, we have a built in living-room dining-room, the kitchen, and we have 3 bedrooms.....one bath.....

1435 Il Shemtov (c/o M. Capizzi Esq.)(cont.) 165 Jefferson Ave Block 33 Lots 221,322

Does not exceed any of the existing side set-backs, or the rear set-back or the front.....

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Mr M. G. Capizzi Esq said .....you wouldn't mind discussing the modified basement .
Ms. Pantale said Okay. The modified basement. This is what we have for the existing basement plan. And then after it was handed in, we had a conversation about how sparsely finished, sparsely unfinished, it has one bathroom, it has a utility room and conversation about having another bedroom downstairs. So, I prepared a plan.....
Ms. Pantale searched through her files. (35:37)
Ms. Pantale said the basis for the.....which was brought here.....and in the bedroom a regress window.....open come down the stairs from the first floor..... there's an existing bathroom.....saving a door that is already there. Existing laundry area, accessible from the outside. The second floor and through the existing basement.....
Mr M. G. Capizzi Esq said .....as far as the elevation is .....
Ms. Pantale said.....side-yards. A one and half story home. We are raising two full stories, which would be a two and a half story home, which is permitted in the zone. .....The height of the house is 28.7.....Previously there were six dormers, okay, no more dormers for the second floor. It was a very small second floor, 256 sq.ft. .....two family house.
Mr M. G. Capizzi Esq said as far as the front elevation is concerned, it exists..... as proposed. Is it fair to say that under those conditions, the Board would not be able to tell us a two-family zone .
Ms. Pantale said we told them a door here and a door here and then a porch. This side of the porch is still open, this side is still.....I have one door centered in the middle and then the other door gets into the vestibule area that's on the side.....
Mr M. G. Capizzi Esq said.....?
Ms. Pantale said yes
Mr M. G. Capizzi Esq said Thank-you**. .....** what we are proposing here.....will fit in with the street-scape. There are other homes in the area, and the scale of those homes as compared to what we are proposing here. Will you discuss that for us. (38.05)
Ms. Pantale said .....the area is about 2200 sq.ft. Okay, the whole first floor entrance and total. Which is pretty modest. The first floor is 1145 and the second floor is about 1075 sq.ft. So.....75 lot So .....2200 sq.ft. is a very modest home.
Mr M. G. Capizzi Esq said Thank-you Ms. Pantale. I have no further questions Mr. Chairman.
Mr.Kassis said anymore questions for.....
Mr. Sutera said .....confirm proposed bedrooms..... ?
Ms. Pantale said the first floor has three and one in the basement
Mr. Sutera said .....
Ms. Pantale said yes.....it will be the new bedroom.
Mr. Sutera said .....
Ms. Pantale said yes.....
Mr. Sutera said .....
Ms. Pantale said yes.....
Mr.Kassis said any other questions for the applicant ?
Mr.Kassis said Is there anyone here in the audience that would like to be heard on this application ? Please step forward and state your name and address.
Mr. John Fargo said My name is John Fargo at 159 Jefferson Ave., for 14 years. Directly next door, on the left side
I'm curious, how common is it to have parking spots behind the home structure in Cresskill ? That often happens now ?
1435 Il Shemtov (c/o M. Capizzi Esq.)(cont.) 165 Jefferson Ave Block 33 Lots 221,322
Mr.Kassis said Not often. *I've been 25 years on the Board.. In the last 10 years, parking in the back has become more common. Do you have a garage in that back area ?*

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Mr. John Fargo said my concern was with the head-lights, but you were kind enough to show me the plan you are proposing as part of the application now. Have a six-foot fence from the corner of your clients property, home, to the corner of the property.
Mr. M. G. Capizzi Esq said to the house, correct.
Mr. John Fargo said corner house to the corner property.
Mr. M. G. Capizzi Esq said yes.
Mr. John Fargo said and the only plants to be removed are those on your client's property ?
Mr. M. G. Capizzi Esq said correct.
Mr. John Fargo said Okay. That was my main concern with the driveway and the light. A couple of years ago, some *guests* did not park right upon the lawn and the headlights shone right into my living room. So that's my main concern. I would have.
Mr. M. G. Capizzi Esq said The National-Agency demands that the.....
Mr.Kassis said how do you intend to.....
Mr. John Fargo said I don't have the .....experience with planning and homes in our town. I would have mild concern over any applications that continue to reverse variances, how that may change the character of the town over time. As it happens time and time again. But primarily for me personally my concerns for headlights and .....So,.....six-foot-high fence. So from that distance, from where the cars were parked.....If I had concerns over increasing the fence density would it matter to you in Cresskill ? .....so those are my concerns. My main Concern was the parking in the back, and I think the mitigation that you proposed- I'm grateful.
Mr. M. G. Capizzi Esq said Thank-you. (43:01)
Mr. Kassis said any other questions for the applicant ? Anyone from the audience ?
Let the record reflect that nobody was here.
Alright. Is there a motion to either approve or reject the application as modified with the fence and the fence change ?.
Mr. McCord made the motion to approve.
Mr. Sutera seconded
Roll Call was taken. (44:15)
All Board members, present voted yes.
The application was granted.

Mr. Kassis said next application is # 1436 Pasquale Frega (c/o M. G. Capizzi Esq.) 9 Heather Hill Rd., Demarest NJ Block 1.01 Lot 25 . Please step forward . (45:37)

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1436 Pasquale Frega (c/o Matthew G. Capizzi Esq.) 9 Heather Hill Rd., Demarest NJ
Block 1.01 Lot 25

The application is for an installed, non-conforming fence.

The application is for the address 9 Heather Hill Rd in Demarest NJ.
A portion (60') of the fence is in Cresskill, facing Mountain View Rd.

Cresskill ordinance requires 4' high and 50% open.
The installed fence is 6' high and solid.

Mr. M. G. Capizzi Esq said Good Evening Mr. Chairman, Matthew Capizzi again on behalf of the applicants. This is a unique application. 9 Heather Hill is actually in two municipalities. The northernly portion of the property is actually located in Demarest. The Southernly portion is located in Cresskill. The reason why we are before the Board this evening is the Cresskill Zoning Ordinances treats fences differently than Demarest ordinances . We were essentially looking to have a matching fence size on both the left and right property lines. This is approximately forty-three feet of fencing along the southernly portion of the property. And Mr. McClellan has marked down on the site plan that is 6' in height whereas 4' that is shift down to 4'. A break-point between a 6' high fence and a 4' high fence, once the fence reaches the back corner of the home, and has to transition from a 4' high to a 6' high fence in Cresskill. In fact there is a notch in the back building wall. You take the corner quicker than you would otherwise, if we had just not not had that match in the *bowling,* but Mr. McClellan can speak to that. So thanks for the application Mr. Chairman, but there is an existing fence for .....of which is in violation that we are seeking to maintain, so we have continuity in the fencing on both the left and right side-yards. Mr. Sean McClellan is our single witness, and I can add him to..... (47:23)
Mr. Sean McClellan was sworn in.
Mr. M. G. Capizzi Esq said so, just to go through it
Mr. Sean McClellan testified this is a 5000 sq.ft. lot on Heather Hill Road **.** The line here that maybe 25% of the lot line here, everything on this side is Demarest, and then this small portion here is Cresskill. So those are 6' vinyl solid fence that goes from this front corner here, goes back up to form a- this is the property line-so it's still conforming in Cresskill, until you get to about here. Now we have three *back-waters*, for the purpose of this, I used the worst case scenario of the farthest back-water. So at this point, the path is conforming, and once you get past this back corner here, in Cresskill, you have to build a 4' fence. So we have about 44 linear feet of fence, from the back border and then to the side of the house that is not conforming, should be 4'and not 6'.
Mr. M. G. Capizzi Esq said As far as what is occurring on the southernly property line, can you talk to us about that.
Mr. Sean McClellan said sure. There is landscaping along this fence here, on both sides. There are trees as well. The stream isn't here on this property as well. So as far as any attachment to the neighboring property, I don't see any.
Mr. M. G. Capizzi Esq said Thank you Mr. McClellan **.** As far as the desire to keep the fence as consistent, I assume most of the site plans that you design, the fence lights on both side-yards is the same. Mimics each other.
Mr. Sean McClellan said Right. Here you have a 6' fence with a gate, and yet that same 6' high fence with a gate that you saw as you look into the property, it looks about the about the same on the left and right sides. (49:33)

Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 pm
Minutes Oct. 24, 2024

1436 Pasquale Frega (c/o Matthew G. Capizzi Esq.) 9 Heather Hill Rd., Demarest NJ
Block 1.01 Lot 25

Mr. M. G. Capizzi Esq said and if you were to drop that down to a 4', it would look inconsistent .
Mr. Sean McClellan said really inconsistent. If you go 4**'** and then back up to 6' . You have that transition in heights that might look awkward . (49:54)
Mr. M. G. Capizzi Esq said Thank you Mr. McClellan. I don't have any more Mr. Chairman.
Mr. Kassis said the transparency that is required ..... I've talked about that .....
Mr. Sean McClellan said it's all solid yes. Only Cresskill, once you get past that line, also asked me to.....open. This would be zero percent open, 100% closed .
Mr. Kassis said you will need the transparency with *fairness*, right ?
Mr. Sean McClellan said yes, for that 44 linear feet we would need that as well . (50:37)
Mr. Kassis said ..... You can have no transparency, where it is required . We've had no transparency before and we have had transparency requirement .....for first responders, and unless there is an absolute need to have a.....facing non-transparent then...you could match the right size.....what town requires for safety to have transparency.
Mr. M. G. Capizzi Esq said that's something we could discuss with our client. We have a straight and then downward side, there isn't such a limitation. And its solid on the left side and which is why I was carried over solid on the right side.
Mr. Kassis said because we have a *summons* requirements, and you would need to testify with the desire to have both sides uniformly match.....so that is something we did not have to add to this variance tonight. For fairness to you, I'm going to bring something that side to the other side to match.
Board member said on the Cresskill side **?**
Mr. Sean McClellan said Correct**.**
Board member said so it's already there ?
Mr. Sean McClellan said Correct
Mr. M. G. Capizzi Esq said Mr. Chairman please give us a few minutes to speak to my client to see what we can do. (53:11)
Mr. Kassis agreed.
Mr. Sean McClellan talked about the effect of Zoning variances on the public**.**
Mr. Kassis commented on the efficacy of transparency, and height of the fence.
Mr. M. G. Capizzi Esq returned from his meeting with the client**.**
Mr. M. G. Capizzi Esq said Mr. Chairman, the fencing arrangement on the southern side essentially consists of 3 panels. The panels are screened by an existing shrub. Although what we would like to do is keep two out of three panels as they stand.....is *sour* make the interior panel, which is the gate and convert that to 50% open gate made of similar material as the side panels.
Mr. Kassis said.....what was the rest of the gate ?
Mr. Sean McClellan said six feet. Probably five or six feet.
Mr. Kassis said five or six feet would be .....transparency.
Mr. Sean McClellan said Correct.
Mr. Kassis said alright. Are there any other questions.....
Are there anybody here in the audience.....for or against it ?
Let the record reflect that nobody was here.
Is there a motion to either approve or reject the application as modified.
Mr. McCord made the motion to approve.
Mr. Sutera seconded
A roll call was taken.

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All Board members, present voted yes.
The application was granted.
Mr. M. G. Capizzi Esq thanked the Board.

Mr. Van Horne ESQ presided over the memorializations

Memorialization 1431

1431 Etal Rosenthal 297 Brookside Ave Block 192 Lot 10

Description	Required	Existing	Proposed	Variance
Minimum Lot Area	10,000 sq.ft	7,741 sq.ft		ENC
Max. Bldg Coverage	20%		21.4%	1.4%
Min Lot Frontage	100’	80.87’		ENC
Min Lot Depth	100’	96.2’		ENC
Min Front Yard	25’		27.9’	
Min One Side Yard	15’	12.92’	12.92’	2.08’
Min Other Side Yard	20’	13.02	13.02	6.98’
Total Combined Side Yards	35’	25,94’	25.94’	9.06’
Minimum Rear Yard	30’		36.25’	
Minimum Height	31’		30.5’	
Max Floor Area Ratio (FAR) –Sliding Scale	33.42%		35%	1.58%
Impervious Coverage Sliding Scale	31.90 %		28.4%	

The applicant, Etal Rosenthal, was granted the above variances build a new home.

Please see next page

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Memorialization 1432

1432 Patricia Angelotti 119 5th St Block 48 Lots 653,654

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25’	14.3’	25’	
Side Yard Abutting Lot	15’	2.2’ and 31.4’	10’ and 10’	5’ and 5’
Combined Side Yard	35’	33.6’	20’	15’
Rear Yard Set Back	30’	50.3’	30’	
Max Floor Area Ratio (FAR) Sliding Scale	39%		27%	
Lot Frontage	100’	50’	50’	ENC
Lot Depth	100’	100’	100’	
Bldg. Coverage	20%	12.9%	27%	7%
Impervious Coverage	35%	33.1%	39.1%	4.1%
Height of Building	30’	19’	20.2’	
Lot Area	10,000 sf	5,000 sf	5,000 sf	ENC

The applicant, Patricia Angelotti, was granted the above variances to build a single family home.