Present: Mr. Amicucci, Ms. Batistic, Ms. Furio, Mr. McLaughlin, Mr. Merzel, Ms. Westerfeld, Mr. Kassis, Mr. Corona, Mr. Van Horne (Board Attorney), Mr. Azzolina (Borough Engineer).
Absent: Mr. Moldt
The meeting was called to order at 8:06 pm.
Mr. Amicucci announced that the meeting had been published as required by the Sunshine Laws of the State of New Jersey.
The minutes of Mar. 22, 2012 were approved.

1205 Zaikov 18 Buckingham Rd Block 206 Lot 14
The applicants, Coleen and Brad Zaikov, proposed to construct an in-ground pool.

Description	**Required**	**Existing**	**Proposed**	**Variance Required**
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 feet			
Combined Side Yards	35 feet			
Rear Yard Set Back	30 feet			
Max. Livable Fl.Area	variable			
Lot Frontage	100 ft			
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	**Variable 30%**		**46.04%**	**16.04%**
Height	28 feet			
Lot Area.	10,000 sq.ft			

Proof of publication was submitted .

The applicants were sworn in.
Mr. Merzel asked what was the impervious now.
Mr. Zaikov did not know.
Ms. Batistic said 31.6%.
Mr. Merzel said: on the notes of the plan item #4 says the proposed impervious coverage is 6045 sq.ft then on the bottom it says the impervious coverage is 5755 sq.ft. Which figure was used to calculate the percent Impervious Coverage.
There was discussion among the Board members as to which number was correct.
Mr. Merzel said that the existing Impervious Coverage is 39% without the pool and patio.
Mr. Merzel said that the 46% was based on 5755 sq.ft. which is correct. The Impervious Coverage will go from 39% to 46%.
Mr. Amicucci said that the variance of 16% was correct.
Mr. Amicucci asked if anyone in the audience was for or against this application.
Mr. Kassis made the motion to grant the application as submitted.
Ms. Furio seconded.
The application was granted.

1206 Callas 194 County Rd Block 76 Lot 68

The applicant, Yvonne Callas DMD FAGD, requested an expansion of non-conforming use. The property is being used as a professional office. The applicant wants to construct a 2nd floor to the property for office use.

Description	Required	Existing	Proposed	Variance Required
Front Yard Set Back	**25 ft**	**23'**		**2'**
Side Yard Abutting/Lot	**15 feet**	**5'**		**10'**
Combined Side Yards	35 feet			
Rear Yard Set Back	30 feet			
Max. Livable Fl.Area	variable			
Lot Frontage	100 ft			
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	Variable 30%	44.1%	68.41	
Height	28 feet			
Lot Area.	10,000 sq.ft			

Proof of publication was submitted .

Ms Furio recused herself because she is a patient of Dr. Callas.

Mr. John Mavroudis, the attorney representing the applicant, described the application and the requested variances. The plan for the project was placed on the easel, and the engineer for the project was present.

Mr. Van Horne said that the phrase, ' and, eventually, for living quarters', on the agenda, was in error, and is not part of the application.

Dr. Yvonne Callas was sworn in.

Dr. Callas said that she had lived in Cresskill all her life. She had bought the house in 1982, for professional use. She wants the 2nd floor for general office use for her children. Construction would start immediately after approval of the application.

Mr. Amicucci asked about the increase in Impervious Coverage.

Mr. Mavroudis said that the increase in the impervious was because of additional parking requirements.

Mr. Amicucci asked for the reason of the 2nd story addition.

Mr. Mavroudis said the purpose was for general business use offices. There would be a staircase and a suite for office use other than for the dental practice.

Mr. Amicucci said that there would be a second separate business upstairs.

Dr. Callas said that when she bought the building there were 2 separate offices in the building. Since 1982 she has been the sole occupant. The building has never been used as a residence, only as a doctor's or dentist's office.

Mr. Amicucci said that it is a residential area.

Mr. Mavroudis said that the 2nd floor space might be used by Dr. Callas, but at present she has no specific plans for the use of the space.

Mr. Amicucci asked if they intended to put in 6 more parking spaces.

Dr. Callas said 7 parking spaces because the professional zoning requires a certain amount, but since we are doubling the square footage, in order to comply with some of the egress issues, a

1206 Callas (cont.) 194 County Rd Block 76 Lot 68

revision of the parking would have to occur. This was the plan, submitted by the engineer, that the Bergen county authority agreed to.
Dr. Callas said that she also spoke to the planner (Mr. Tinsa) at the county planning board.
Mr. Mavroudis said if and when the Cresskill board approves the application, a complete application will be submitted to the county.
Mr. Amicucci said you are 5' off the property line.
Dr. Callas said that when she bought the property the houses were built there close to the property.
Mr. Amicucci said your building is 5' from the property line.
Mr. Mavroudis that side yard probably goes back 50 years.
Mr. Mavroudis said that the plan substantially improve access and egress to the property. The county required this layout to improve the exit from the parking lot.
Mr. Amicucci asked what is the ruling on the side line of a parking lot.
Mr. Kassis said 10' for paved surfaces.
Mr. Mavroudis said that this is an existing paved area, those parking spots are there. The application is for the same paved area only deeper.
Mr. Ernest Myhren, engineer, was sworn in.
Mr. Myren testified that the subdivision was made in 1982. Houses were built around the original property. The rear of the building was very close to the property line. He has a copy of the minor subdivision. The building was built before 1970.
Dr. Calla said 1955.
Mr. Mavroudis asked what is the reason for the impervious surface.
Mr. Myren said additional parking. He was asked to get as many parking spaces as possible.
Mr. Mavroudis asked if the variance could be granted without detriment to the public good.
Mr. Myren agreed.
Mr. Mavroudis asked if granting of the use variance will not impair the intent and purpose of the zoning ordinance.
Mr. Myren agreed.
Mr. Mavroudis asked Mr. Myren if he had discussions with the county regarding the application.
Mr. Myren said that he did. Because of the traffic light the county suggested that there be one way in and one way out. Right turn only on the out, to prevent any conflict with traffic. He was asked to change the corner configuration to meet the new county regulation.
Mr. Mavroudis said that this property is in the R-10 zone. If the variance for the side yard and impervious surface were not granted, would it cause Dr. Callas undue hardship ?
Mr. Myren said that it would.
Mr. Mavroudis asked: are there peculiar practical difficulties with the property that required you to design it this way ?
Mr. Myren said that was the only way its going to fit.
Mr. Amicucci said you said that this would be a hardship for Dr. Callas. When she bought the building years ago, did she not notice. Was there a hardship then. I do not see a hardship.
Mr. Mavroudis said that the hardship is in the manner of the development of the property, because of the configuration of the property.
Mr. Kassis said there is consideration to grant a variance based on an existing hardship. The business has operated at that location for years, and there was no hardship, until in the event that this application is denied it will create a hardship for your client. That's irrelevant to your request

1206 Callas (cont.) 194 County Rd Block 76 Lot 68

for a variance. A variance has to be based on a hardship of the property and the way its laid out making it difficult to do anything with it.
Mr. Mavroudis said that the hardship we are speaking of is in regard to the C variance. Which relates to the side yard which exists and with regards to the zoning requirement that there be additional parking with regard to the office use of the premises. The hardship is inherent in the fact that there is an existing building which can't be torn down to add a second story. Secondly, the second story requires parking which increases the impervious surface requirement.
Mr. Kassis said that if the applicant had asked for a 2 story addition to put a rental in, there would be no need for additional parking. Therefore the variance would only be side yards, due to proximity and layout of the property. Therefore since the applicant is coming in for a business use, which creates an additional burden on the property, you are creating your own hardship by applying for additional business use. You are creating a hardship by requesting a double use of office.
Mr. Mavroudis the addition of a 2nd story will increase the impervious coverage because of the requirements of the county. The county will not accept the existing parking on the site and the entry and exit on the site.
Mr. Kassis said if you build a residential suite on top that could be inhabited by the current owner, there would be no need for application to the county.
Mr. Mavroudis said that any application on a county road would require county approval. Because the entry and exit on the site are unacceptable to the county, that swing going over to County Rd. will be required by the county. It is actually a significant improvement to the site. The present configuration of the lot causes back-up on Hillside Ave. at the traffic light. The county under any circumstances would require that change, which results in a significant increase to the impervious.
Mr. Kassis said if there was less vehicular traffic on that property, there would be less of a problem. By increasing traffic on that property, you are making the problem worse, and then mandating a remedy that the county needs to improve. If you did not increase traffic to the property, the county would not need to mandate changes to the traffic flow.
Mr. Mavroudis said that he has been practicing land-use law in Bergen county since 1978. The county would require an application whether or not there was a change in the impervious surface or additional parking, because they have jurisdiction since the property is on 2 county roads. In numerous cases, the county takes the position that it wants to improve the intersection and approve access and egress onto a county road. There are many applications where there was not any change in the property except for the fact that it was on a county road, and the county mandates requirements to improve the county highway system. Now, with a 2nd story residential there is additional parking required whether it is 2nd story residential or 2nd story office use. I suggest that a 2nd story residential will not work well with the existing properties. Its not really a residential zone, its across the street from 2 banks, on 2 county roads. Additional parking is required whether its residential or commercial use.
Mr. Merzel said that the across the street on the south east corner is a residence.
Mr. Mavroudis said that it was not a mixed office and residence.
Dr. Callas said that the building she owns has never been used as a residence. It has been used by multiple business owners prior to her purchasing it. The property is taxed on a business tax rate. If I want to put up a 2nd story, I should be allowed to. If I would be expanding my practice, it would be a hardship, if I was not allowed to do that.

1206 Callas (cont.) 194 County Rd Block 76 Lot 68

Mr. Mavroudis said the bank across the street makes the property unsuitable for residential use. Dr. Callas wants to expand the building for office use by her family. Thus keeping the family together, with the mother downstairs and the kids upstairs. This would be a very low intensity use. There is no intent to have a rental upstairs.
Mr. Kassis said there are practices in Cresskill where the practitioner lives in an adjacent part of the house. In that case additional parking is not needed. You have said that the office space will be eventually utilized by her family. Whatever 'eventually' is – it may be 5 or 10 years. You are creating a hardship by your own application.
Mr. Amicucci asked Dr. Callas: are you going to leave the 2nd story empty ? What are you going to do with the 2nd story ?
Dr. Callas said I don't have plans at this moment.
Mr. Amicucci asked: Do you plan to rent it ?
Dr Callas said I cannot answer at this time. I have to go through the process.
Mr. Amicucci said you are not going to put a 2nd story of offices and not do anything with it. Your plan is to rent in the future, and its going to be another business. You are putting 2 businesses into a non-conforming use. If they did knock that building down, it would not be allowed to be rebuilt because it is non-conforming.
Mr. Mavroudis said the square footage on the 2nd floor is small only 1800 sq.ft.
Mr. Merzel asked if there were plans for the 2nd floor.
Mr. Mavroudis said that they have a rendering.
Dr. Callas said that they were not required to provide plans- they do have renderings.
Mr. Merzel asked why the phrase 'change of use' in the Denial letter.
Mr. Mavroudis said that it was not a change in use it is an expansion of non-conforming use.
Dr. Callas said she has the original plan for the house by the original architect. The house was not designed for residential use.
Mr. Mavroudis quoted the Municipal Land Use law (40:55d-70d2) which stated that any expansion of non- conforming use requires a use variance.
Mr. Merzel said the variance that you are requesting will change this lot
In essence you want to turn this lot into a commercial zone- you want to change the zoning
This is not a minor non-conforming use. You are trying to change the zoning. Why not come in front of the board and ask for a change in zoning. With an impervious of 68%, you are asking us to turn this into a commercial lot. This is a major change not because of the 2nd floor, but because of the parking lot. Your non-conforming use is much more severe than a normal non-conforming use that we are used to seeing.
Dr. Callas said that she was not seeking to be commercial. I am seeking to retain the same use that it is now, except to expand the volume of the building. In order to satisfy the parking requirements, we want to re-orchestrate the parking lot. I am not seeking to change the use nor the zoning. I want to stay there and practice. My building needs to be improved. Its been 30 years since I bought it. I tried to keep it up. I am dwarfed by the building across the street. Its time for me to do something with that office.
Mr. Merzel said the large part of the impervious being added is because of the county requirements. The access and exit go to county roads. Dr. Callas would prefer not to have that. If that could be cut back there would be a lot less impervious coverage. Even if a residence were put on the 2nd floor, there would be a similar big demand for an impervious service increase, because the county is going to demand that the exit be on County Rd. No matter what happens

1206 Callas (cont.) 194 County Rd Block 76 Lot 68

on the 2nd floor that exit and impervious will be required by the county. That is outside the jurisdiction of this board. One of the benefits is that it will be a lot safer intersection.
Mr. Kassis asked how many parking spots were requested by the county ?
Mr. Mavroudis said that the parking requirement was trying to comply with the office use in Cresskill.
Mr. Van Horne said you are not close to that.
Mr. Mavroudis said we are as close to it as we can. If the board says to cut down on the parking spaces to grant the application, Dr. Callas will be happy .
Mr. Van Horne asked how many offices are planned for the 2nd floor.
Dr. Calles said that she has no plans for exactly how many offices there will be.
Mr. Van Horne said that the requirement is 18 spaces for 3600 sq.ft.
Mr. Amicucci said that we do not have a problem with the county. The county is telling you how to get in and out of the property. That's not the problem. The problem we have is that a 2nd business will be put on the property and its non-conforming. As for the parking, in our ordinance you need 10' from the side, you have 5'. You are using 68% of the space for impervious. There is no hardship here, there was no hardship when it was bought.
Mr. Amicucci asked if there was anyone in the audience for or against this application.
Ms. Virginia Quinn at 5 Michele Court was sworn in.
Ms. Quinn said that Dr. Callas was her neighbor for 30 years.
Ms. Quinn said that she was here because she does not want a residence. She has talked to the other neighbors. Its not big enough for an apartment building. A business is OK because at the end of the day, the office is quiet. Its always been a business. She approves of the application as long as its not residential.
Mr. Amicucci said according to the Zoning map, from County Rd. east there is no commercial property. I am not for expanding a non-conforming business use.
Mr. Mavroudis said Dr. Callas has been resident of this municipality for more than 50 years. She is a good tax payer. She conducts her medical practice at the site. She is asking for the addition of 1800sq.ft. She will improve this building. She will improve the access and exit to the site. Good for Cresskill residents and good for the intersection. I am shocked that the board, considering that she has such a commitment to the municipality, most of her patients are from this municipality, would object to this kind of request. Particularly in view of what has happened across the street- the new building across the street compared to the low key significant improvement that she wants to make. For safety reasons for the intersection, for the aesthetics of this intersection relative to what is going on within 50' of this site, and she has a big following and commitment to the municipality. The neighbors do not object. This is a life long resident with a practice in the community. That property has always been for office use.
Mr. Amicucci said that this is not the first application, that we have to vote on, with a similar situation. We appreciate Dr. Callas and her business, but there is more to it than that.
If the board grants this application the door is open to anyone.
Mr. Mavroudis said there are exceptional reasons here. This is not an application to convert a residence into commercial use. This property has been office use for the last 50 years, she is just adding the existing use to the 2nd story.
Mr. Amicucci said a 2nd business would be added to that building.

1206 Callas (cont.) 194 County Rd Block 76 Lot 68

Mr. Mavroudis said that it was an existing non conforming use when the property was purchased. When Dr. Callas purchased the property in 1982 there were 2 businesses on the first floor. Two separate doctor's offices.
Mr. Amicucci asked if there would be a dentist upstairs ?
Dr. Callas said there would be no dentist on the 2nd floor.
Mr. Kassis made the motion to deny the application.
Ms Batistic seconded.
Mr. Amicucci voted to deny because the application was to put a 2nd business in a non-conforming use, expand the parking.
Ms. Batistic voted to deny because the lot is too small for the parking required by the business use.
The application was denied.

1207 Pecoraro 62 Carlton Terrace Block 188 Lot 6

The applicant, George Pecoraro, applied to widen his driveway to within 6' of the property line where 10' is required.
A completed Schedule of Proposed Construction was submitted to the board.

Mr. George Pecoraro was sworn in.
Mr. Amicucci asked how far will you be from the side line.
Mr. Pecoraro said 6'.
Mr. Amicucci said that he drove around the area and that 90% of the homes have the same thing. I do not see a problem with a 6' buffer.
Mr. Amicucci asked if there was anyone in the audience for or against this application.
Ms Batistic asked how wide will the curb cut be ?
Mr. Pecoraro said that he had talked to the borough engineer and had been told that he could widen the curb cut. He wants to make it 18' wide.
Mr. Merzel asked how was the 4.9% variance in Impervious Coverage calculated ?
Mr. Pecoraro said he took the existing 26.6% and added the extra width.
Mr. Merzel said that at 31.5% Impervious he is below the maximum of 32% Impervious and a variance is not required.
Mr Kassis made the motion to approve the application.
Ms. Furio seconded.
The application was granted.

Citakian 638 Knickerbocker Rd Block 1.04 Lot 27

The applicants, Vrej and Donna Citakian applied for a driveway expansion encroaching on the property line.

Description	**Required**	**Existing**	**Proposed**	**Variance Required**
Front Yard Set Back	25 ft	34’		
Side Yard Abutting/Lot	**15 feet**		**0.0’**	**10.0’**
Combined Side Yards	**35 feet**		**8.5’**	**26.5’**
Rear Yard Set Back	**30 feet**		**1.0’**	**29.0’**
Max. Livable Fl.Area	variable			
Lot Frontage	100 ft	100’		
Lot Depth	100 ft	100’		
Bldg Coverage %	20%	16%		
Impervious Coverage	Variable 30%		27%	
Height	28 feet			
Lot Area.	10,000 sq.ft	10,000		

Proof of publication was submitted before hearing.

Mr. McLaughlin recused himself
Mrs. Donna Citakian, Mr. Vrej Citakian and Mr. Gary Persson were sworn in.
Ms. Citakian said that they wanted to widen their driveway because her son was 18 and her daughter was close in age.
Ms. Citakian submitted photos at the suggestion of Mr. Rossi because their survey was incorrect and they were submitting the neighbor’s survey instead. At Mr. Rossi’s suggestion, their neighbor, Mr. Persson, had accompanied them to the hearing.
Mr. Amicucci asked how long have you lived in that house.
Ms. Citakian said 18 years in May.
Mr. Amicucci asked was the garage there ?
Ms. Citakian said yes.
Mr. Amicucci asked was the porch there ?
Ms. Citakian said yes.
Mr. Amicucci asked was the porch enclosed ?
Ms. Citakian said yes.
Mr. Amicucci said that the proposed driveway will go right to the neighbor’s line.
Mr. Persson, the neighbor of Citakian, said it would not touch the line.
Mr. Amicucci said that the picture shows that it does.
Mr. Citakian said there will be an additional 5.5’, between my neighbor and the driveway.
There was a discussion between the board and Mr. Citakian regarding the surveys. He explained that their survey was incorrect and that therefore they have submitted the neighbor’s (Mr. Persson) survey. Mr. Amicucci received a detailed explanation of the dimensions shown on the drawing submitted by the applicants.
Mr. Citakian said that the architect (for the deck) had modified the original survey.

Citakian (cont.) 638 Knickerbocker Rd Block 1.04 Lot 27

Mr. Amicucci said he has no problem with the application as along as the neighbor (Mr Persson) is happy with it and verifies these measurements.
Mr. Merzel asked for an explanation of the measurement shown for the 'side yard abutting lot'.
There was a discussion among the board members as to what variances were required. The Zoning Analysis submitted to the board is in error.
Mr. Amicucci said that the picture and the neighbor confirm the side driveway buffer variance of 4' 6".
Mr. Kassis made the motion to approve the application of a 4'6" driveway buffer variance.
Ms. Furio seconded.
The application was granted.
Mr. Amicucci said that by the next meeting the applicant must submit a corrected copy of the drawing, or plot plan, showing the 15' 6" , and the 10' driveway and the 5.6" buffer.
Mr. Kassis said that the plan must be signed by a licensed professional.
Mr. Amicucci said go back to the architect. Tell him, you need the plot plan, and show him the measurements: 15' 6", 10' driveway, resulting in a 4' 6" variance. We have to have that on paper. The plot plan must have a stamp on it.
Mr. Kassis said that the architect can add to the plot plan from the surveyor, but the plot plan itself must come from a surveyor or engineer.
Mr. Amicucci said like the survey that your neighbor has.
There was an extended discussion between the board members and Mr. Citakian as to what he could use as a survey since he does not have the original survey of his property.
Mrs. Ctakian objected to obtaining a new survey of the property because of the cost.
Mr. Van Horne said to use the neighbor's survey, with all the credentials of the surveyor or engineer reflected on the document. The architect will draw the location of the driveway and the measurements of 15' 6", 10' driveway, resulting in a 4' 6" variance.

Memorializations

1204 Aguirre 212 Grant Ave. Block 119 Lot 1

The applicants, Andres and Gloria Aguirre, were granted the following variances to construct a deck at the rear of their home.

Description	**Required**	**Existing**	**Proposed**	**Variance Required**
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 feet			
Combined Side Yards	35 feet			
Rear Yard Set Back	**30 feet**		**26.26'**	**3.74'**
Max. Livable Fl.Area	variable			
Lot Frontage	100 ft			
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	variable			

Meeting adjourned at 9:59 pm