

**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes June 28, 2012**

Present: Mr. Amicucci, Ms. Batistic, Ms. Furio, Mr. Merzel, Mr. Kassis, Mr. DePalo, Mr. Van Horne (Board Attorney), Hector Olmo (Council Liaison)

Absent: Mr. McLaughlin, Ms. Westerfeld, Mr. Corona

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 May. 24, 2012 were approved.

**1209 Kogan                      15 Ridge Rd                      Block 191 Lot 7**

The applicants would like to add a level to 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			
<b>Rear Yard Set Back</b>	<b>30 feet</b>	<b>5'</b>		<b>25'</b>
Max. Livable Fl.Area	variable			
Lot Frontage	100 ft			
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	Variable 30%			
Height	28 feet			
Lot Area.	10,000 sq.ft			

Ms. Jenny Kogan was sworn in.

Mrs Kogan testified that they want to build a bedroom upstairs because the noise from the air conditioner from the next door neighboring house prevents them from sleeping.

Mr. Amicucci said you have only one existing variance caused by the deck. The variance has nothing to do with the addition. The 2<sup>nd</sup> story bedroom is over your living room. The house is a split level. With the addition the height will not be more than 28'.

Ms. Jenny Kogan agreed.

Ms. Furio said that the rear yard set-back is not marked on the survey.

Mr. Amicucci said that the variance was 5' because he remembered granting the variance.

Ms. Furio said you can see where the 5' is, based on the angle of the property to the corner of the deck, but it is not marked.

Mr. Kassis said that something looks out of scale on this drawing. Do you have the original survey?

Ms. Kogan said she had the survey and showed it to the chairman.

Mr. Amicucci said that the survey shows 5'.

Mr. Kassis said that when the architect transferred it on, the dimension does not look right.

Ms. Batistic measured the drawing. The drawing shows 5' but scales to 10'.

Mr. Merzel questioned the granting of 5' when the drawing shows 10'.

Mr. Amicucci said that he is certain that it is 5'. This variance for the deck was granted in 1999.

The building inspector and Mr. Amicucci went over to the house to inspect the deck. It is 5'.

Mr. Van Horne asked if the footprint of the house changed since 1988.

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**1209 Kogan (cont.)**

**15 Ridge Rd**

**Block 191 Lot 7**

Ms. Kogan said that only the deck has been added.

Mr. Merzel asked what is the distance between the house and the edge of the property.

Mr. Amicucci said there was 21'.

Mr. Amicucci asked is there anyone in the audience for or against this application.

Mr. Kassis asked if the deck would be changed or modified.

Ms. Kogan said it would not.

Mr. Kassis said that there was something wrong with the drawing. Some language must be added to the approval to assure that everyone on the board is comfortable. The numbers are wrong. If the deck is existing, he does not have an issue with approving the deck in its current state.

Mr. Amicucci said that he would be concerned if the application was for less than 5'.

Mr. Merzel said that if we grant the variance, we should not set up a situation where in the future they could build on that surface. The deck got that variance, for the deck only. We must make sure that the language is not providing a variance for some future building. The language must specify not changing the footprint of the house.

Mr. Kassis said we must put together a resolution with wording that make everyone on the board comfortable.

Mr. Amicucci said that every application must show all existing non-conforming issues.

Mr. Kassis made the motion to approve the application relating to the existing deck.

*The board agreed that if the deck would not exist, a variance of 9' would be required.*

Mr. Van Horne said the motion is for a 25' variance for the existing deck.

Mr. Merzel said that the motion does not address building only on top of the existing structure.

Mr. Kassis made the motion to approve the application for the existing deck and an addition over the existing structure without changing the foot-print.

Mr. Merzel seconded.

The application was granted.

