

**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes July 25, 2013**

Present: Ms. Furio, Mr. Merzel, Mr. DePalo, Mr. McLaughlin, Ms. Batistic, Ms. Westerfeld, Mr. Corona, Mr. Van Horne (Board Attorney)

Absent: Mr. Epstein

The meeting was called to order at 8:02 pm.

Ms. Furio announced that the meeting had been published as required by the Sunshine Laws of the State of New Jersey.

The minutes of May 23, 2013 were approved (the June meeting was cancelled)

**1222 David Kurtz                      38 Crest Drive South                      Block 92.04 Lots 10**

The applicant proposed to construct a garage addition and an add-a-level.

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Front Yard Set Back	25 ft	29'		
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>8.24'</b>	<b>5'</b>	<b>10'</b>
<b>Combined Side Yards</b>	<b>35 ft</b>	<b>17.58'</b>	<b>14.34'</b>	<b>20.66'</b>
Rear Yard Set Back	30'			
Max. Livable Fl.Area FAR	37.02% (variable)	11.3%	26.4%	
<b>Lot Frontage</b>	<b>100 ft</b>	<b>60'</b>		<b>40'</b>
Lot Depth	100 ft	190'		
Bldg Coverage %	20%	11%	10.6%	
Impervious Coverage	33.9% (variable)	22.6%	30.8%	
Height	28 ft	20.5'	27.7'	
Lot Area.	10,000 sq.ft	13,523 sq.ft		

*Application carried from 6/27/2013.*

**Ms Urdang** introduced herself as attorney for the owner. The owner was present and would be represented by her.

**Mr. Roland Scharfspitz**, architect, was sworn in and gave his credentials.

**Mr. Scharfspitz** presented the plan (exhibit A-1) on the easel.

**Mr. Scharfspitz** said that the lot is in the R10 zone. The width of the lot is 60' where 100' is required. Part of the lot is in Tenafly. The depth of the lot is 190', 100' is required. The house is similar to others in the neighborhood. It appears as a one story house- a cape cod. The attic above the first floor is not finish able, because the height does not comply with the building code. The ceilings on the 2<sup>nd</sup> floor are sloping and reach a peak that is under 7' high.

**Mr. Scharfspitz** said that the home was built around 1940 -1941.

**Mr. Scharfspitz** said there are 3 rooms upstairs with no closets. There is no bathroom on that floor. One of the rooms is too small to be used as a bedroom.

**Mr. Scharfspitz** presented the 'Demolition Plan' which showed the 2<sup>nd</sup> floor and indicated which walls were to be removed.

**Mr. Scharfspitz** described how the first floor would be reconfigured. The deck would be removed. The one car garage is too narrow and difficult to access. The garage today is probably used for storage.

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**1222 David Kurtz (Cont.)                      38 Crest Drive South                      Block 92.04 Lots 10**

**Mr. Scharfspitz** said that they were seeking a side yard variance in order to build a garage that is suitable for a car. The additional 3.24' will allow for a garage wide enough for a car. We are moving the garage back 6' or 7' to align with the back of the house. We are proposing an internal connection between the garage and the house, we are calling it the mud room. The garage will be set back from the neighbor's house.

**Mr. Scharfspitz** described the grade of the house relative to the neighbor's lot.

**Mr. Scharfspitz** said that the existing Combined Side Yards is 17.58' and by widening the garage it will be reduced to 14.34'.

**Mr. Scharfspitz** noted that the lots on the street are all non-conforming in width- about 60'. 15% to 20% of the houses on the street have been improved with full 2<sup>nd</sup> floors. There are several new houses with 2<sup>nd</sup> floors.

**Mr. Scharfspitz** said that the plans that they are proposing are in character with the neighborhood. For the 21<sup>st</sup> century it makes sense to have a full 2<sup>nd</sup> story on a house.

**Mr. Scharfspitz** said that Mr. Kurtz, the owner, has spoken with the neighbor bordering the garage extension. They discussed landscape screening between the properties, The neighbors were present last month when the meeting was cancelled due to lack of quorum. Mr. Kurtz will bear the cost of the screening.

**Ms. Batistic** asked what is the distance of the property line to the neighbor on the left (closest to the garage).

**Mr. Scharfspitz** said 24' house to house. From the garage about 21'.

**Ms Furio** asked about the grade difference between the properties.

**Mr. Scharfspitz** said about a couple of feet.

**Ms. Furio** asked what is the height of the ridge of the structure over the garage.

**Mr. Scharfspitz** said 20'.

**Ms Furio** asked if there was anyone in the audience for or against this application.

**Mr. Van Horne** asked if he had any details on the terms of the agreement between Mr. Kurtz and the neighbor in regards to the screening.

**Mr. Scharfspitz** said he had to refer to Mr. Kurtz.

**Mr. Kurtz** was sworn in.

**Mr. Kurtz** testified that he had spoken to the neighbors at their home. They had asked him to put up a fence or plantings. He had agreed to do so at his expense.

**Mr. Merzel** asked if Mr. Scharfspitz had noticed if, in the neighborhood, on the upgraded houses, whether the garages were closer to the side lines

**Mr. Scharfspitz** said on the new structures he was not able assess because he did not know where the original garage had been.

**Mr. Scharfspitz** said that the placement of their garage was no closer than if it was an accessory structure.

**Mr. Merzel** asked if making it an accessory structure had been considered. Making it attached was to accommodate the mud room.

**Mr. Scharfspitz** said that as an accessory structure the Impervious Coverage would increase because the driveway would be extended. The Impervious Coverage on the application is pretty close to the maximum allowed.

**Mr. Merzel** said he was concerned about setting a precedent by allowing the building closer to the neighbor, for the convenience of an attached garage

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**1222 David Kurtz (Cont.)                      38 Crest Drive South                      Block 92.04 Lots 10**

**Mr. Scharfspitz** said that the ordinance allows 5' from the property line for a detached garage.

There is already an attached garage on the property, we are just expanding it. We are moving it back to allow more light and air. It will not affect the neighbor in terms of light and air.

**Mr. Merzel** said that he is concerned that anyone without a garage, can come before the board and ask for an attached garage within 5' of the property line.

**Mr. Scharfspitz** said it is the fault of the Zoning that forces people to do that. If this was a conforming lot we would not be here today.

**Ms. Urdang** gave a summation of the application. This is a pre-war home. It needs a livable 2<sup>nd</sup> floor, a garage large enough for a modern car. This is a C-1 variance. The lot is deficient in width, but is incredibly long. The width is 33% of the depth. It makes meeting the Combined Side Yard set-back difficult to meet. We are not changing the foot-print of the home, we are moving the garage. If we placed the garage in the back, the driveway would require a turn around. The garage will not impact the light and air of the neighbor. The neighbor has been consulted and has agreed to plantings provided by the applicant. The house will be in character with the aesthetics of the neighborhood. The car will be off the street. The proposed home will be in line with the Zoning plan.

**Mr. McLaughlin** asked if there was any structure on the neighbor's property near where the garage is being widened.

**Ms. Urdang** said there was none, and showed a picture taken of the neighbor's property from the location of the new garage.

**Ms. Batistic** made a motion to approve the application.

**Ms. Batistic** gave her reasons for approval. There is a garage there now, that is non-conforming and they are adding just 2.76' to the garage. By pushing the garage back, it is not right next to the neighbor. The neighbor is 22' from the property line. The applicant is reducing, the Building Coverage. The positives outweigh the negatives.

**Mr. Van Horne** said that approval is on condition that the applicant provides the screening between the properties.

**Mr. McLaughlin** seconded.

**Mr. Van Horne** asked if the applicant had any concerns about the late arrival of 2 of the board members (8:02pm and 8:09pm respectively).

**Ms. Urdang** said that they had no objections.

*The application was approved. All members voted 'for' except Mr. Merzel who voted against.*

**Ms. Furio** commented that the lots are narrow. The architect did a nice job with the attic space.

The non-conformity is just a couple of feet. As for setting a precedent, each lot/application has to be judged on its own merit

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**1223 Revital and Yiftah Gadish 51 Carlton Terrace Block 187 Lots 14**

The applicants proposed to construct three additions.

This application was previously approved by resolution dated Mar. 24, 2011 Docket #1185.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>12.49'</b>	<b>10'</b>	<b>5'</b>
<b>Combined Side Yards</b>	<b>35 ft</b>	<b>35.39'</b>	<b>22.49'</b>	<b>12.51'</b>
Rear Yard Set Back	30'			
Max. Livable Fl.Area FAR	35.22% (variable)		32.7%	
<b>Lot Frontage</b>	<b>100 ft</b>	<b>70'</b>		<b>30'</b>
Lot Depth	100 ft	110'		
<b>Bldg Coverage %</b>	<b>20%</b>		<b>22.47%</b>	<b>2.47%</b>
Impervious Coverage	32.9% (variable)		32.8%	
Height	28 ft			
<b>Lot Area.</b>	<b>10,000 sq.ft</b>	<b>8,434 sq.ft</b>		<b>1,566 sq.ft</b>

*Application carried from 6/27/2013.*

**Mr. Chris Blake** introduced himself as architect for the application.

**Mr. Blake** described the property. It is an undersized property in the R-10 zone. The lot is narrow- 70'. The house is a small Cape Cod. They are proposing to enlarge the 1<sup>st</sup> floor with an addition to the rear, plus a large addition to the left hand side. The current house has no garage, just a driveway. We are proposing a one car garage that will require a side yard set back variance, also a combined side yard set back variance. We are also seeking a variance in building coverage. We are in compliance with the floor area ratio, the building height, impervious coverage, and the front yard and rear yard set-back. The 2 side yard set backs and the building coverage are the only variances proposed by this addition.

**Mr. Van Horne** asked if the application differed from the 2011 application.

**Mr. Blake** said that the application was approved by the zoning board in 2011. We are not changing anything on the footprint or the variances. We have made the 2<sup>nd</sup> floor a little bigger but the floor area ratio remains compliant. The variances we are seeking were approved in 2011.

**Mr. Blake said** the garage is an addition to the house, it is 12.5' wide. The set-back is 10'. The 10' setback is at the narrowest point of the lot. The property is pie-shaped. The set-back is 12' at the rear.

**Mr. Blake** said that the lot coverage was based on the requirements of the client, for a modern house that fits into the neighborhood. The house will not look too big or too bulky, its less than 3000 sq.ft., including the garage, and will fit in with the neighborhood, and the new construction in the neighborhood. We tried to keep some architectural interest in the house, it is not a big box. There is space between the houses. Because of the curve of the road, the lot shapes on that side of the street are pie shaped. The side yards are not going to be so rigid as when houses are perpendicular to each other. He estimates that the side yard setbacks of the other houses are in the 12' to 15' range. The hardship is in the undersized lot, and the side yard set-backs are needed to accommodate a garage. The garage allows keeping the car off the street and the driveway. It enhances the aesthetics of the neighborhood.

The difference between the 2011 plans and this one is an additional 100 sq.ft on the 2<sup>nd</sup> floor.

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**1223 Revital and Yiftah Gadish (cont.)      51 Carlton Terrace      Block 187 Lots 14**

**Mr. Merzel** said that the plans do not refer to a specific survey. A survey should be mentioned with a name and date.

**Mr. Blake** said that there was a survey submitted to the Building Dept.

**Ms. Furio** asked if there was anyone in the audience for or against the application.

**Mr. Merzel** made the motion to approve the application based on the fact that it is identical to the application approved in 2011, except for an additional 100 sq.ft to the 2<sup>nd</sup> floor, but with no change to the variances; and on the condition that the Building Dept. has, or is supplied with, a proper survey.

**Mr. Corona** seconded.

*The application was approved.*

**1224 Rino Minetti      10 Ridge Rd      Block 3.01 Lot 8**

The applicant proposes to construct a deck.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft			
Combined Side Yards	35 ft			
<b>Rear Yard Set Back</b>	<b>30'</b>		<b>16.34'</b>	<b>13.66'</b>
Max. Livable Fl.Area FAR	(variable)			
Lot Frontage	100 ft			
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	(variable)			
Height	28 ft			
Lot Area.	10,000 sq.ft			

**Rino Minetti** was sworn in.

**Mr. Minetti** testified that they had purchased the house a month ago for his parents to live there.

We want to build a deck in the back yard, 15' by 25'. Currently the back yard set-back is 31.38', after building the deck it will be 16.34'. Everything else conforms. The left side of our property is owned by the Borough of Cresskill, there are no plans of any houses there in the future. This is a split level house and we would like the deck so that my parents have access to the outdoors without using steps.

Decks are pretty common on these type of houses.

*Mr. Minetti showed photos of the property (exhibits A-1 and A-2).*

*Mr. Minetti explained the location of the area shown in the photos.*

**Mr. Minetti** said that they would not be encroaching on anyone's rear yard. We would still be left with 16' of rear yard set-back.

**Ms. Furio** said that she had seen the property. The deck is 25' X 15' and the property line (referring to the photo) is by the line of trees.

**Ms. Furio** asked if there would be any steps.

**Mr. Minetti** said yes and indicated where the steps would be. They would go to a patio area.

**Ms. Batistic** asked if the concrete patio would remain.

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**1224 Rino Minetti (cont.)                      10 Ridge Rd                      Block 3.01 Lot 8**

**Mr. Minetti** said yes, it was existing.

**Ms. Batistic** asked if he knew what the building coverage would be after building the deck.

**Mr. Minetti** said not exactly but Mr. Rossi had said that it was not an issue because the lot is 111' X 91' and he did not feel that impervious coverage would be an issue or the building coverage.

**Ms. Furio** asked if there was anyone in the audience for or against the application.

*Judy White was sworn in.*

**Judy White** said her parents owned the property on 12 Ridge Rd (next door). The property is surrounded by woodland, and the deck will not impact anyone.

*Mr. Minetti explained to the members where the sliding doors and the steps were in relation to the photos.*

**Mr. Merzel** made a motion to approve the resolution.

**Mr. DePalo** seconded.

*The application was approved.*

**1225 Agron Ndrejoni                      66 Carleton Terrace                      Block 188 Lot 7**

The applicant proposed to widen the driveway to 5.8' of the property line where 10' is required..

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	32'	32'	
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>13.5'</b>	<b>13.5'</b>	<b>1.5'</b>
<b>Combined Side Yards</b>	<b>35 ft</b>	<b>25.2'</b>	<b>25.2'</b>	<b>9.8'</b>
Rear Yard Set Back	30'	50'	50'	
Max. Livable Fl.Area FAR (Variable)	34.32%	20.68	20.68'	
<b>Lot Frontage</b>	<b>100 ft</b>	<b>75'</b>	<b>75'</b>	<b>25'</b>
Lot Depth	100 ft	120'	120'	
Bldg Coverage %	20%	19%	19%	
Impervious Coverage (Variable)	32.4%	24.89%	31.50%	
Height	28 ft	18'	18'	
<b>Lot Area.</b>	<b>10,000 sq.ft</b>	<b>9,500</b>	<b>9,500</b>	<b>100'</b>

**Mr. Agron Ndrejoni** was sworn in.

**Mr. Ndrejoni** testified. The driveway has been completed. The contractor got the permits. I bought the house 2 years ago. Ed Rossi came and stopped the job. I found out that I need a variance to complete the job.

**Mr. Ndrejoni** said that the curb around the house remains to be completed.

**Ms. Furio** asked how the permits were obtained.

**Mr. Ndrejoni** said there were 3 permits including the steps, and moving lights and the meter. I thought everything was done right and then they stopped the job and said I needed a variance.

**Ms. Furio** asked how far along was the driveway before the job got stopped.

**Mr. Ndrejoni** they had done the pavers. Just the curb is not done.

**Ms. Furio** asked who was the contractor.

**Mr. Ndrejoni** said Ciccolella Paving in Bergenfield.

**Mr. Merzel** asked what was there before.

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**1225 Agron Ndrejoni (cont.)**                      **66 Carleton Terrace**                      **Block 188 Lot 7**

**Mr. Ndrejoni** said a concrete slab.

**Mr. Merzel** asked if it was on the same location.

**Mr. Ndrejoni** said it was the same location but moved to the right and the left 0.2 feet.

**Ms. Furio** said it's the same general area but wider.

**Mr. Ndrejoni** said he needed to widen it because in the winter you cannot leave commercial vehicles parked in the street. The distance to the property line is 5.8'.

**Ms. Furio** said that the house on the corner was screened by plants.

**Mr. Ndrejoni** said he had replaced the old plants with new plants. He had made a deal with the neighbor to replace the plants. He is paying for the cost.

**Ms. Furio** asked if anyone has been to the house from the Building Dept. since Mr. Rossi gave the stop work.

**Mr. Ndrejoni** said no. He was told as soon as you get approval to do the front part he has to call them. The electric inspector came for the final inspection- he was the last to come.

**Ms. Furio** asked when did the job get stopped.

**Mr. Ndrejoni** said about a month ago- the week of July 4<sup>th</sup>.

**Mr. Merzel** asked when the contractor went for the permits, did he tell them that he was going to widen the driveway.

**Mr. Ndrejoni** said that he did not know what he told them.

**Mr. Ndrejoni** said that when they stopped the job, the contractor said there were cobblestones on the left side, and it was an existing driveway, but the curb was not cut.

**Mr. Ndrejoni** said when he talked to Ed Rossi, Ed Rossi said that the contractor normally tries to do this. This is not the first time he did this.

**Mr. Ndrejoni** said I was very upset and wanted to throw him off the job, but I had already paid him half the money.

**Mr. Ndrejoni** said I am trying to make the house look better.

**Ms. Batistic** said it looks on the plan that the driveway when you get to the garage is more than 4.2'.

**Mr. Ndrejoni** said the front of the house width is 75', the back is 90'. The driveway follows the house.

**Mr. Merzel** asked for a clarification of the error in the contractor's measurement of the original driveway.

**Mr. Ndrejoni** explained how some stones had been pushed over the left side of the driveway- the contractor took his measurement from the stones .

**Ms. Batistic** made the motion to approve the application.

**Mr. Corona** seconded.

*The application was approved.*

**Other Business**

**Ms. Furio** requested that in the event that members cannot attend the regular meeting of the Zoning Board would they please inform the secretary, or herself, at least 3 days beforehand (a week would be better). If, like last month, there is not a quorum, the applicants can be told of the meeting cancellation in a timely matter.

The Cancellation of the meeting last month was an embarrassment because the applicants had arrived with their architects, attorney and witnesses.

[cherylfurio@gmail.com](mailto:cherylfurio@gmail.com)

Cheryl Furio

201 336 4555

[bauerbo@yahoo.com](mailto:bauerbo@yahoo.com)

Bobbi Bauer

201 569 4045

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**Memorialization**

**1221 Cresswood Homes LLC                      20 Clark St.                      Block 196 Lots 4**

The applicant was granted the following variances to construct a new single family residence.

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed Apr. 25</b>	<b>Variance Apr. 25</b>	<b>Proposed May 23</b>	<b>Variance May 23</b>
Front Yard Set Back	25 ft					
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>9'</b>		<b>6'</b>	<b>11.0</b>	<b>4.0'</b>
<b>Combined Side Yards</b>	<b>35 ft</b>	<b>26.1'</b>	<b>22.1</b>	<b>12.9'</b>	<b>26.1</b>	<b>8.9'</b>
<b>Rear Yard Set Back</b>	<b>30'</b>	30.3'	<b>10'</b>	<b>20'</b>	<b>20'</b>	<b>10'</b>
<b>Max. Livable Fl.Area FAR</b>	<b>33.42% (variable)</b>	13.6%	<b>42.79%</b>	<b>9.37%</b>	<b>37.6%</b>	<b>4.18%</b>
<b>Lot Frontage</b>	<b>100 ft</b>	<b>80'</b>		<b>20'</b>		
<b>Lot Depth</b>	<b>100 ft</b>	<b>95'</b>		<b>5'</b>		
<b>Bldg Coverage %</b>	<b>20%</b>	<b>24.4%</b>	<b>29.6%</b>	<b>9.6%</b>	<b>28.5%</b>	<b>8.5%</b>
<b>Impervious Coverage</b>	<b>31.9% (variable)</b>	<b>33.29%</b>	<b>35.02%</b>	<b>3.12%</b>	<b>34.4%</b>	<b>2.5%</b>
<b>Height</b>	<b>28 ft</b>	20'	<b>30.6'</b>	<b>2.6'</b>	28'	
<b>Lot Area.</b>	<b>10,000 sq.ft</b>	<b>7,600 sq ft</b>		<b>2,400 sq ft</b>		

Meeting adjourned at 9:20 pm