

**Borough of Cresskill
Zoning Board of Adjustment
Minutes July 26, 2012**

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

Absent: Mr. Merzel

The meeting was called to order at 8:05 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 June 28, 2012 were approved.

1210 Batistic 140 Phelps Ave Block 151 Lot 19

The applicants would like to construct a patio at the rear of the house.

Description	Required	Existing	Proposed	Variance Required
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 feet	11.25'		3.75'
Combined Side Yards	35 feet	28.25'		6.75'
Rear Yard Set Back	30 feet			
Max. Livable Fl.Area	variable			
Lot Frontage	100 ft	80'		20'
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	Variable 31.9%		33.9%	2.0%
Height	28 feet			
Lot Area.	10,000 sq.ft			

Mr. Van Horne announced that application 1210 will be heard on August 28, 2012 at 8:00pm

1211 Aronson 15 Eisenhower Drive Block 210 Lot 6

The applicants would like to construct a 6 foot fence around the rear yard where a 4 foot is required.

Description	Required	Existing	Proposed	Variance Required
Front Yard Set Back	50 ft			
Side Yard Abutting/Lot	30feet			
Combined Side Yards	60 feet			
Rear Yard Set Back	75 feet			
Max. Livable Fl.Area	20%			
Lot Frontage	150 ft			
Lot Depth	200 ft			
Bldg Coverage %	12.5%			
Impervious Coverage	35%			
Height	33 feet			
Lot Area.	40,000 sq.ft			

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1211 Aronson (cont.) 15 Eisenhower Drive Block 210 Lot 6

Mr Ron Aronson and Mrs Karen Aronson were sworn in.

Mr. Aronson testified that they had moved into their house one year ago with their 5 children. They never contemplated a fence until 3 months ago when the Coyotes showed up. They called 911 and were told to go inside. When he looked outside he saw the trail that the coyotes had left. The following weekend, the coyote came right up to their patio. They did not like the idea of a fence. The third time he saw the coyote was in his yard about 20 feet away. They spoke to Ed Rossi and were told the zoning rules in regard to fences The fence can be 6' high along the back of the property and 25' on either side. The blackened line on the site plan shows the proposed fence. The fence would be 75' from the road on either side. The right side of the property abuts against Eisenhower park. Approval is needed for the 2 front parts of the fence which is no where near the street.

Mr. Aronson said the left side of the property has a coyote den. Mr. Aronson showed photos of the den. He was told that coyotes could jump 4' to 5', but 6' is less likely.

Mr. Aronson showed photos of the proposed fence. This fence was the best option, it is invisible in all seasons. To make it coyote proof, the ground is dug up and is "L" shaped to go first under ground and then over to the property side. The migration pattern for the coyote is right through their back yard. If they got rid of the den the coyotes would come back the following year. They have 5 kids and want them to feel comfortable playing in the back yard.

Mr. Amicucci asked do you have a fence around your property now?

Mr. Aronson said no we do not but a few of our neighbors do. Along left third of his property on the left (lot 33) there is a 4' chain link fence, also along the corner of lot 5 there is a fence.

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

Ms. Camette Sarkisian at 200 Wilson Drive was sworn in.

Ms. Sarkisian said that she had lived at this address for 15 years. She has 3 children and never had a problem with coyotes. She is against granting the variance for the fence because it would eliminate trees, and putting up a fence would stop the deer from traversing their property. In Pasadena CA, coyotes are everywhere, and are not a threat to anyone. Her garage door is kept open and no coyote ever came in. Rio Vista does not have fences, A fence will decrease property values. Fences are needed for pools, other than that natural boundaries of woods and trees are sufficient.

Ms. Sarkisian indicated the boundary of her property shared with the applicant.

Mr. Van Horne said that Ms. Sarkisian opposition was noted.

Mr. Amicucci pointed out that the law allowed a 6' fence in back and 25', on the sides.

Mr. Amicucci showed Ms. Sakisian, on the survey, exactly where the backyard and side yards are.

Ms Sarkisian asked about the trees on the border.

Mr. Amicucci said that was not the jurisdiction of the Zoning board.

Mr. Van Horne suggested that Ms. Sakisian settle the matter with Mr. Aronson.

Mr. Aronson said that McNally Engineering did the survey and 100% of the fence is on our property. No trees will be removed, and the fence will be unobtrusive. He is sorry about Ms, Sarkisian view, but he wants his kids to feel safe.

Ms. Sarkisian reiterated her position. She has seen only 2 coyotes since she has lived in Cresskill.

Ms. Furio asked if the fence was flexible and would bend around the trees, or will it go straight from one support to another.

Mr. Aronson said that the fence was a straight line through brush, without going through trees, nor will trees be used to stabilize the fence.. The fence is mesh and not rigid.

Mr. Gabriel Golan at 15 Johnson Court was sworn in.

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1211 Aronson (cont.) 15 Eisenhower Drive Block 210 Lot 6

Mr. Van Horne said that the letter that the members of the Zoning board had received from Mr. Golan should be disregarded, because the applicants have a right to cross-examine.

Mr. Golan said he is here because the Aronsons have encroached on his property.

Mr. Van Horne said that the Board cannot hear any property dispute.

Mr. Golan said that the Aronsons had encroached about 8% to 10% of his property.

Mr. Golan said that he has been here for 6 years and have never seen a coyote. The Aronsons have removed trees- he has photos from Google as evidence.

Mr. Van Horne explained that the Board cannot do anything. The applicant has heard his statement. You have civil recourse in court if the Aronsons violate your rights or trespass.

Mr. Golan said that he would like to voice his objection to the fence,

Mr. Aronson declined to respond.

Mr. Van Horne asked where do you live in relationship to the applicant's property ?

Mr. Golan indicated his location on the survey.

Mr. Amicucci said that 2 1/2 years ago there were coyotes on Center St, where he lives. A female coyote and 5 pups. He was concerned, but then they disappeared and did not return.

Mr. Amicucci cited the Zoning regulation for fences.

Mr. Aronson said that the opinion on coyotes is personal. There was a case in Rye where a young kid was attacked by a coyote. The only question is one of aesthetics between 4' and 6', Karen and he do not want to do this (put up a fence) but our kids don't feel safe.

Ms. Sarkisian told an anecdote that was ruled irrelevant to the proceeding.

Mr. Kassiss said that he grew up and lived in Cresskill and saw only one coyote about 50' from his home. He has 3 kids, but would not put a 6' fence around his home.

Ms. Batistic said she saw a coyote jump the 4' fence on her property. They have a right to put a 6' fence in the back but this board has never approved a 6' fence in the front.

Mr. DePalo asked for a clarification of proposed location of the fence.

Ms. Batistic said that the variance goes with the property. Someone else can buy the property and replace your fence with a 6' board on board fence.

Mr. Aronson said that his youngest child is 6 years old and will graduate from Cresskill High School. They are not moving any time soon. This is about creating an environment where kids feel safe.

Mr. McLaughlin said that the board has never approved a 6' fence beyond what is allowed.

Mr. Corona said that the board has never approved a 6' fence.

Ms. Sarkisian asked for an explanation of the variance requested.

Mr. Amicucci explained the variance using the survey.

Ms. Westerfeld made a motion to deny the application.

Mr. McLaughlin seconded.

Mr. Amicucci voted to deny because he did not think that a 6' fence would stop a coyote.

The application was denied.

Mr. Aronson asked Mr. Amicucci as to what he was permitted to do. He will put 6' where he is allowed, and 4' on the rest.

Mr. Amicucci indicated on the drawing where he is allowed a 6' fence and where only a 4' fence is permitted.

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1212 Fedynich 37 Palisade Ave Block 179 Lot 53

The applicants would like to expand their driveway.

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 31.9%		37.9%	6.0%
Height	28 feet			
Lot Area.	10,000 sq.ft			

Ms. Christine Fedynich was sworn in.

Ms. Fedynich testified that this was her parent's house and they would like to expand the driveway. Our two neighbors park on the grass when parking on the street is prohibited. We do not have room for our 2 vehicles so we would like to expand the driveway.

Mr. Amicucci asked all you need is a variance for impervious coverage.

Ms. Fedynich said yes.

Ms. Furio asked if a curb cut is needed.

Ms. Fedynich said that it was.

Ms. Furio asked if there was an ordinance in regard to curb cuts at that location.

Mr. Van Horne checked the ordinances and said that curb cuts were not prohibited.

Ms. Batistic said for Impervious coverage, it says house without garage 833 sq.ft, Where is the garage ?

Ms. Fedynich said underneath the house.

Ms. Batistic asked what are the dimensions of your house?

Ms. Fedynich said that she did not know. The width of the property is 80'

Ms. Batistic said you have 14.8' on one side and 20' on the other side, therefore your house is about 45' wide and about 28' deep 1265 sq.ft. Why are you taking the garage out?

Ms. Fedynich said that Ed Rossi said that her original survey was wrong- you cannot include the garage.

Ms. Batistic said that for the FAR you are allowed to take the garage out, but not the Impervious coverage.

Ms. Fedynich said he had me do the survey again. Butler did the survey again, and Mr. Rossi approved it. He approved it without the garage included.

Ms. Batistic said that the house is about 1260 sq.ft., plus 90 for the shed, plus 1790 for the driveway and walkway, plus the proposed driveway, the total is 3390 sq.ft. The lot is 80' by 97.5' So your coverage is 43%. If we allow you 37.9%, you will not be able to build your driveway.

Mr. Amicucci said that they are saying that the house is 833 sq.ft and your calculation shows 1260.sq.ft including the garage.

Ms. Fedynich said that Mr. Rossi said to re do the survey without the garage .

Mr. Amicucci said we could send you back to Mr. Rossi and have him correct this.

Mr. Kassis asked if the pool was subtracted from the Impervious coverage.

