Borough of Cresskill
Zoning Board of Adjustment
Minutes Oct. 25, 2012

Present: Mr. Amicucci, Ms. Batistic, Ms. Furio, Mr. Kassis, Mr. McLaughlin, Mr. Merzel, Ms. Westerfeld, Mr. Van Horne (Board Attorney), Greg Mueller (Council Representative)
Absent: Mr. Corona, Mr. DePalo, ,
The meeting was called to order at 8:08 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 Sept. 27, 2012 were approved.

1217 Messinger 5 Ridge Rd Block 4 Lot 1302
The applicants proposed to construct an in-ground pool. They propose a 10' distance from the house where 15' is required.

Description	**Required**	**Existing**	**Proposed**	**Variance Required**
Front Yard Set Back	25'			
Side Yard Abutting/Lot	15'			
Combined Side Yards	35'			
Rear Yard Set Back	30'			
Max. Livable Fl.Area	30%			
Lot Frontage	100'			
Lot Depth	100'			
Bldg Coverage %	20%			
Pool Side Yard Abutting Lot	**15 '**		**10'**	**5'**
Impervious Coverage	**30%**	**35% previously granted variance**	**39.49%**	**9.49%**
Height	28'			
Lot Area	10,000 sq.ft			

Mr. Michael Hubschman was sworn in and stated his credentials as Engineer and Planner.
Mr. Hubschman testified that they are proposing a small swimming pool in the rear yard and a small patio extension. The house is located on a cul de sac. The property is irregularly shaped, and the hardship is in the shape and determines the variances that are requested.
Mr. Hubschman said we require a 10' side yard to the west where a minimum of 15' is required. The pool will be 10' from the house where 15' is required. The house is placed way in the back, which puts the pool 10' from the house. The rear of the house to the left lines up with the front of our house so there is no real detriment. We are asking for Impervious Coverage of 39% which is at 35% now. We are mitigating that with some drain seepage pits. We are taking the over flow to the roof leaders and that pipes off to the street. There are two 60" pipes in the street that store the run-off.
We will mitigate the side yard variance with a hedge along the side 7' to 8' high. There is no grading of the property required. It's a flat property and there will be no run-off to the adjoining neighbors.
Mr. Amicucci asked if the 10' from the house presents a problem to the Fire Department if they had to bring in equipment to reach the 2nd floor.
Mr. Hubschman said that it would be enough. There are no bedroom windows on that side.
Mr. Amicucci asked if there was an existing fence around the property.
Mr. Hubschman said that there was a fence that will be modified to meet the pool enclosure.
Mr. Hubschman said the fence was flat aluminum about 4' high. It goes around the property.

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Ms Batistic asked about the inlet to the pool
Mr. Hubschman said that there are 2 small inlets and there is a pit in that area that may be relocated and there is a pit on the east side.
Ms. Batistic asked about a 6" pipe.
Mr. Hubschman described the existing drainage system.
Ms. Batistic asked where would the seepage pit be relocated.
Mr. Hubschman said towards the east.
Ms. Batistic asked about the 2nd inlet.
Mr. Hubschman said that it would be moved to the center of the patio area.
Mr. Merzel asked what was the purpose of the 15' requirement.
Mr. Amicucci said the requirement was there for safety. For setting up a ladder.
Mr. Merzel said even though there is a hardship, the pool is not a necessity, and he would like to know the reason for the 15' requirement between the house and the pool.
Mr. Hubschman said that for public pools there is a requirement of 10' to a building. Most towns require 10'.
Mr. Merzel asked if it was possible to change the shape of the pool to allow an extra 5' between the house and the pool.
Mr. Wellington (contractor for the project) was sworn in.
Mr. Wellington described the shape of the pool, citing the dimensions of the pool. He described the location of the pool relative to the layout and rooms of the house.
Ms. Furio said that the Impervious is already 5% over and you want 4% more for a total of 9%.
Mr. Hubschman agreed. The additional Impervious is from the proposed patio.
Mr. Merzel asked when was the 5% granted.
Mr. Hubschman said one year ago for the driveway.
Ms Batistic asked about the retaining wall on the east side of the back and side yard.
Mr. Hubschman said that it ends at the center of the property and would not go beyond the pool.
Ms Batistic asked about the pressure of the pool to the retaining wall- is it far enough.
Mr. Hubschman said that it was.
Mr. Amicucci asked if there was anyone in the audience for or against this application.
Mr. Dadi Davidov, 24 Woodland Rd., was sworn in.
Mr. Davidov testified that the retaining wall goes the whole distance (it does not stop at the center).
It is at the back of his property.
Mr. Davidov said that he is concerned, because he has had water in his basement several times.
With the increase in Impervious Coverage, there must be some sort of system that the water does not seep onto my property. There is almost 10% more in Impervious Coverage.
Mr. Kassis asked does the Building Dept calculate the effect of the Impervious Coverage and qualify the size of the retention system to be installed ?
Mr. Amicucci said that would be the Borough Engineer. They would have to pass it.
Ms. Furio asked would that require another seepage pit or just the relocation of the one.
Mr. Hubschman said that they would relocate the one. That would eliminate a lot of the ground water. Then tie it into the roof leaders that go into the big system on the street.
Ms. Furio asked what is the inlet tied to now?
Mr. Hubschman said it is tied to the seepage pit.
Mr. Davidov said that though the pool is not part of the Impervious Coverage, it will be covered and that water will also flow into my property. My property is lower.

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Mr. Hubschman said we can add grades and run the surface water around to the front.
Mr. Amicucci asked would you be satisfied with what he just said.
Mr. Davidov said that if the water is caught near the arbor vitae fence and not go into my property, that would be good.
Mr. Hubschman said they would propose a pipe and small catch basins to pipe it to the street.
Mr. Davidov said on your side of the wall you see only ½ the retaining wall because the other ½ is level with your property, but on my side you see the entire length.
Mr. Hubschman said that they will add basins so there will be no water on your property.
Mr. Amicucci asked if the neighbor to the left was higher.
Mr. Hubschman said that they were slightly higher.
Mr. Amicucci asked if Mr. Davidov would be happy with the seepage pits.
Mr. Davidov said yes, if it works.
Mr. Hubschman said that they would put in surface drains and pipe the surface water out to the street.
Mr. Merzel asked when they were granted the previous variance for the Impervious, was it at 30%.
Mr. Hubschman said that the variance request was for 5% to widen the driveway on the left.
Mr. Amicucci said that he does not see a big problem with the 10'. He thinks that the 10' would be sufficient for the Fire Dept. to place a ladder for the 2nd story. The water problem will be resolved with the extra drains that Mr. Hubschman said he would put in. There are no drains now. There probably is a problem now, and with the drains it will be improved.
Mr. Kassis made the motion to grant the application with the agreed improvement to the drainage system.
Ms. Furio seconded.
The application was granted.

1218 Mederos 127 Lexington Ave Block 104 Lots 28

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

Description	**Required**	**Existing**	**Proposed**	**Variance Required**
Front Yard Set Back	**25 ft**	**22.10' Highland**	**23.20' Lexington**	**2.90' Highland 1.80' Lexington**
Side Yard Abutting/Lot	**15 feet**	**25.1'**	**9.87'**	**5.13'**
Combined Side Yards	35 feet			
Rear Yard Set Back	30'			
Max. Livable Fl.Area	39 %			
Lot Frontage	**100 ft**	**64'**		**36'**
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	35%			
Height	28 feet			
Lot Area.	**10,000 sq.ft**	**8,428 sq ft**		**1,572 sq ft**

Ms. Hagit Ben-Dor (Owner) was sworn in.
Ms. BenDor testified that she lives at 422 Lafayette, she has lived in Cresskill for 7 years, she has a daughter. She purchased the property at 127 Lexington Ave 2 months ago. She has worked with the

1218 Mederos (cont) 127 Lexington Ave Block 104 Lots 28

architect for the past 2 months to come up with the best design. The variances are needed because the property is very narrow.
Mr. Raul Mederos (Architect) was sworn in and gave his credentials.
Mr. Mederos testified that they had been working to find a good compromising solution considering the hardship because of the narrowness of the lot. It is a corner lot and at its most narrow is 64'. With the proposed addition we continued with the existing non-conforming front yard.
Mr. Mederos said that he has prepared 3 pages of explanations of the variances, and their best efforts to conform as much as possible.
Mr. Van Horne advised Mr. Mederos to testify verbally because the board had not received copies of his explanation.
Mr. Mederos testified that there are 2 technical variances : Lot Frontage of 64'
Lot Area of 8428 sq.ft.
Mr. Mederos said they propose to remove the 4" brick veneer on the 1st floor and replace it with horizontal cement board siding. This will improve the existing non-conformance by 4". Pictures of the house were presented to illustrate the proposed change.
Mr. Mederos said that on the 2nd floor they are proposing 3 bedrooms.
Mr. Mederos said that on Highland St. they are asking for a variance of 2.9'.
Mr. Mederos said to minimize the bulk of the 2nd floor addition on Highland St, the design divides the 2nd floor addition into two 15'4" dormers (as opposed to having a continuous, uninterrupted wall).
Mr. Mederos said that nothing has been added over the garage. Aligning the façade of the garage with the main house allows the family room access to the patio, and adds privacy of the rear yard from Highland Street. We did consider setting the garage back 2.9' to conform, but, on the back side because the lot is narrow and on a corner, it would close off the family room from the patio.
Mr. Amicucci asked how big is the patio.
Mr. Mederos said 15' by 18.5'.
Mr. Mederos said on Lexington we are requesting 1.8' variance but this is somewhat of an existing condition. The variance relates only to the landing, the columns that support the roof are within the required building envelope. The proposed landing is the same depth as the existing landing. We are only proposing to widen the landing.
Mr. Mederos said that on sheet A01 of the architectural plans that front portion is an existing foyer. We are requesting to increase the size by 3' because we are increasing the size of the foyer, we want the steps to align. That's why the 1.9' variance exists.
Ms. Furio said that the steps are there you are just making them wider.
Mr. Amicucci requested a picture of the existing house.
Mr. Amicucci and Ms. Furio examined the picture of the existing house and compared it to the proposed house plan.
Mr. Merzel asked if the roof line in front is not changing.
Mr. Mederos said it was not. Nothing is moving forward, just getting wider. The 1.8' variance is just for the landing.
Mr. Merzel said that on the Highland side, you are just going deeper with the garage with the same distance from the property line.
Mr. Mederos agreed. The more that we extend the garage, the further it is from Highland.
Mr. Merzel said you are removing the existing garage and the shed.
Mr. Mederos agreed.
Mr. Amicucci asked what is the FAR.

1218 Mederos (cont) 127 Lexington Ave Block 104 Lots 28

Mr. Mederos said the required is 3059 sq.ft and we are requesting 2315sq.ft about 700 sq.ft less.
Mr. Mederos said the last variance is the 5.13' for the side yard. It is required for:
A) a better connection between the family room and the rear yard. We tried to avoid the side yard variance but it would be too impractical a layout on the 1st floor.
B) to simplify the design and construction of the home by continuing the side wall of the existing structure.
C) to yield a more functional layout on the first floor- shifting the side wall inward, would negatively impact the shape and practicality of the family room.
D) to yield a more functional layout on the 2nd floor. The proposed plan reduces the bulk of the 2nd floor addition on Highland St allowing a more compact, symmetrical and efficient layout.
Mr. Amicucci said that the proposed patio is 5.09" from the side line.
Mr. Mederos agreed.
Mr. Merzel asked what does the code say about a patio set back.
Mr. Mederos said he had appeared before this board several times and he has submitted plans that had patios that extend beyond rear set back lines. It was debated the last time, but it was not counted, even though Ed Rossi had counted it. This time he (Rossi) said since they did not count it the last time, he would not count it here.
Mr. Merzel asked about the Egress window. Would it be considered as part of the building ? It has a 6.2' set back.
Mr. Mederos said he had mentioned it to Susan and Ed .
Mr. Mederos said in Tenafly they have an allowance for a chimney or an area.. They (Ed and Susan) did not seem to have an issue with it.
Mr. Mederos said the egress window is for the basement bedroom.
Mr. Amicucci said that the basement is finished.
Ms. Furio asked if it was part of the FAR.
Ms. Batistic said no because by definition it is considered a cellar because it is more than 50% below grade.
Mr. Amicucci asked if there is anyone in the audience for or against this application.
One audience member said he was 'for'.
Ms. Batistic asked what is the distance to the main route to the west.
Mr. Mederos referred to the site plan and said he did not know.
Mr. Merzel asked if the driveway is asphalt.
Mr. Mederos said that the new driveway will be pavers.
Mr. Amicucci said that he has no problem with the application. It looks like a nice improvement to the area.
Mr. Kassis made the motion to approve the application
Ms. Furio seconded.
The application was granted.

The board complimented Mr. Mederos for his design and presentation.

Memorializations

1198 Dubetsky 404 Concord St Block 106 Lot 6

The applicant was granted an extension of 12 months, for an application granted on 9/22/11.

The applicant was granted the following variances in the R-10 Single Family Zone to construct an addition.

Description	Required	Existing	Proposed	Variance Required
Front Yard Set Back	25’		20.7’	4.3’
Side Yard Abutting/Lot	15’		14.4’	.6’
Combined Side Yards	35’		29.57’	5.43’
Max. Livable Fl.Area	30%		37%	7%
Bldg Coverage %	20%		28.1%	8.1%
Impervious Coverage	30%		34%	4%

1215 Kutnick 8 Lambs Lane Block 79 Lots 220 - 225

The applicants were granted the following variances to enclose an existing covered porch and add a new front covered porch.

Description	Required	Existing	Proposed	Variance Required
Side Yard Abutting/Lot	30 feet	25.1’		4.9’
Rear Yard Set Back	75’feet	5.3’		69.7’
Lot Depth	200 ft	126.12’		73.88’
Lot Area.	40,000 sq.ft	28,750 sq ft		11,250 sq ft

1216 Madison 70 Monroe Ave Block 25 Lot 14.01

The applicant was granted the following variances to construct a 2 car garage, with a room in back and bedrooms above.

Description	Required	Existing	Proposed	Variance Required
Front Yard Set Back	25 ft	15.10’		9.9’
Min. One Side Yard	15 feet	2.20’		12.8’
Combined Side Yards	35 feet		22.2’	12.8’
Lot Frontage	100 ft	62.5’		37.5’
Bldg Coverage %	20%		24.8%	4.8%
Max. Livable Fl.Area	Variable 36.66%		39.81%	3.15%
Impervious Coverage	Variable 33.7%		37.87%	4.17%
Lot Area.	10,000 sq.ft	6250 sq.ft		3750 sq.ft

Minutes adjourned: 9:15 pm