

**Borough of Cresskill
Zoning Board of Adjustment
Minutes Apr. 23, 2015**

Present: Ms. Westerfeld, , Mr. DePalo, Mr. McLaughlin, Mr. Corona, Mr. Van Horne (Board Attorney), Mr. Olmo (councilman) , Ms. Furio, Mr. Merzel, Ms. Bauer (recording secretary)

Absent: Ms. Batistic

The meeting was called to order at 8:03 pm.

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

Minutes of the Mar. 26, 2015 meeting were approved

1252 Keunsoo & Eunhui Park 51 Morningside Block 160 Lot 51

The applicants are seeking the following variances to expand their driveway by 5’.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ‘	25.86’	25.86’	
Side Yard Abutting/Lot	15 ‘	4’	4’	11’
Combined Side yards	35 ‘			
Rear Yard Set Back	30’			
Max. Livable Fl.Area FAR (variable)	34.32%			
Lot Frontage	100 ‘	75’		
Lot Depth	100 ‘	100’		
Bldg Coverage %	20%			
Impervious Coverage (Variable)	32.4%			
Height	28’			
Lot Area.	10,000 sq.ft	7,500 sq.ft		
Driveway from Prop. line.	10’	8.66	3.66’	6.34’

This application was dismissed on 8/28/2014 because the applicants did not appear for the hearing. The applicants brought the notarized Owner’s Affidavit / Authorization to the hearing. The applicants brought the proof of publication to the hearing.

Mr Keunsoo Park was sworn in.

Mr. Park testified that he would like to extend my driveway, 5’ on the right hand side

Ms. Furio (indicating on the plan) said you want to expand on an angle: 5’ on the left hand side facing the house, come up and angle into the driveway and then go straight up again ?

Mr. Park said the right hand side is my neighbor’s side. The other side does not have to go all the way because of the entrance of my house.

Ms. Furio said you want 5’ on one side, half way up, and 5’ on the other all the way up.

Ms. Eunhui Park was sworn in.

Ms. Furio said the distance from the 5’ to your neighbor’s property will be what? When you expand the 5’ , how much space between the edge of where you want to be and your neighbor’s property will there be? It looks like the distance from where you want your driveway to end and the property line of your neighbor 3.66’. Right now, you have 4’ from the side of your house to the neighbor’s property line.

Ms. Furio indicated the 4’ on the plan to Ms. Park.

Ms Furio said the driveway is going to stick out an additional bit, which makes it from the edge of the new driveway to the edge of the line 3.66’.

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Ms. Park said that from what she sees on the picture a total of the land is 8.66. So we subtract 5' from our driveway- expand 5' away then 8.66 subtract 5 is equal to 3.66. Thank-you, I understand.

Ms. Furio said on the other side coming in front of the house there is no issue.

Ms. Westerfeld asked how close is the house on the other side, or is there another driveway ?

Mr. McLaughlin said I was there and there is another driveway over there .

Ms. Furio asked is there anyone in the audience for or against the application as presented.

Mr. Corona made the motion to approve the application.

Ms. Westerfeld seconded.

The application was granted

1264 Dong Woo Lee & Jung Hyun Park 124 13th St. Block 143 Lot 201-207

The applicants are seeking the following variances to construct a foyer and master bedroom addition over an existing garage.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ‘			
Side Yard Abutting/Lot	15 ‘	10.5’		4.5’
Combined Side yards	35 ‘			
Rear Yard Set Back	30’			
Max. Livable Fl.Area FAR (variable)	30%			
Lot Frontage	100 ‘	100’		
Lot Depth	100 ‘	133’		
Bldg Coverage %	20%			
Impervious Coverage (Variable)	30%			
Height	28’			
Lot Area.	10,000 sq.ft	13,300 sq.ft		
Driveway from Prop. line.	10’			

The applicants brought proof of publication to the hearing.

Ms Michelle Kim and Ms. Jung Hyun Park were sworn in.

Ms. Kim testified that Ms Park is the owner of the house. She would like to expand the 2nd floor on top of the garage. Also a foyer and a deck. What we found was the set back for the side yard should be 15’ but the side yard now is 10’ 6”

Mr. Van Horne asked are you an architect ?

Ms. Kim said she was not a registered architect and she is helping her friend.

Mr. Van Horne said you are not testifying as an expert.

Ms. Kim agreed.

Ms. Furio said the existing house sits at 10.5’. Where are you going with the addition ?

Ms. Kim said there is a 2 car garage and it is only one story. She wants to put the master bedroom and bathroom on top of the garage.

Mr. Corona asked where are you building a deck ?

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Ms. Kim said we want to build a deck on top of the pavers but we are going to keep the 30' rear set-back

Ms. Furio said you are going to put the deck over where the pavers are now ?

Ms. Kim said that the end of the deck to the property line will be 35'

Ms. Furio said so it will be just a little bit bigger than what the pavers are now.

Ms. Kim said no, smaller.

Mr. Merzel asked what about the side of the deck. What is set-back to the side of the property. Will it be 10.5' ?

Ms. Kim said yes.

Ms. Furio said keep it in line with the house.

Mr. Merzel asked if a variance was required for that

Ms. Furio said that's what she is here for now- the side yard. It is an existing situation.

Mr. Merzel said she is here now to build on the other side of the property on top of the garage. Can she build the deck without a variance ?

Ms. Furio said that's part of this.

Ms. Kim said that major work is going to be the addition to the 2nd floor, and a little foyer 5' by 10' which will be inside of the front set-back. The reason we are here is to get a permission as we can do something because the house is already 10.5'

Ms. Westerfeld asked how close is this house to the neighboring property ?

Ms. Kim said that it is on a dead end, there is no neighbor.

Mr. Merzel asked if the deck was part of the discussion.

Ms. Furio said that whoever makes the motion to approve or deny the application would have to amend to include the deck, because they stated that they were going put a deck so that would have to be part of the approval or denial of the application.

Ms. Furio asked is there anyone in the audience for or against this application.

Mr. Merzel said I am concerned about the deck it is not written, it is not shown. I would like to see a drawing of where the deck is going, and what the set-back is, shown on the survey. That's the proper way to do it.

Mr. Corona said on this, they talk about the Impervious Coverage, it has a raised seal on it from the architect but it gives you existing coverage proposed with the new deck. They are below in the Impervious Coverage. Which is why we are not talking about the deck.

Ms. Furio said can you explain again exactly what you intend to do with the deck. Is it a wood deck, is it raised, what is it going to be.

Ms. Kim said it will be on 2nd floor because this is a bi-level. The 2nd floor dining room or the kitchen. The deck will be on that level and going around to the 1st floor.

Ms. Furio asked how high up from the ground ?

Ms Kim said from the 2nd level to the 1st level is 7 steps. The floor is 9'. The height of the deck will be smaller than 9'.

Mr. Merzel said about the calculation, she is not an architect. I understand that she is translating for the client. I am not comfortable about the deck without seeing it properly shown. Looking at the application, they are asking for, keeping in mind, except for above the garage nothing is expanding. They are not changing the foot-print, they are going straight up. I am uncomfortable voting on this because it is not shown on the survey. Do you have a sliding door from the lower level to the patio.

Ms Kim said yes

Mr. Merzel asked and you want to put the deck above it. When you will be going from the lower level, you will be going under the deck.

Ms. Kim agreed.

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Mr. Merzel said if we are voting on a deck, I need to see it, to make sure it is not sticking beyond the sides ...

Ms Furio said the deck proposed on the back looks like its going to be nearly half the length of the house.

Ms. Kim said the width, yes.

Ms. Furio said so it is going to be 9' to the back-yard, and how long is it going to be across the back of the house ?

The board discussed the drawing.

Ms. Furio asked is it a double layered deck ?

Ms. Kim said it is a one level deck, the staircase goes down.

Ms. Furio said I think that even though you have the drawing here, there are no measurements particularly. We are looking, guessing, asking questions. There needs to be more specifics about where this is going to be, and how big its going to be. Also, if you intend to put the deck on as well, it needs to be on the application. So you are looking to build the 2nd floor, which seems to fit in without an issue, but the deck is not on here and that is the biggest question. One of the options, is to adjourn to next month. Bring something that shows specifically measurements of how far, how long, how high, the staircase- where it goes, and present that at the next meeting. You won't have to re-notice. Everything will remain the same . We will just move the application to the next month. Bring it into the office 10 days prior to the next meeting. Have the information into the office, so we can know what we are voting on. Because we may understand something but it may not be what you are trying to tell us.

If we say yes and it turns out to be something else, its going to be a problem. You may have to stop or take it down.

Ms. Kim said right.

Ms. Kim said another question: when I was putting the drawing I told the architect we don't need every single measurement because that was I was told, so this would be good enough, but when I see it I know that itself is going to be nice, because what owner asked is what architect draw, and the total area of new deck is 327.75 sq.ft

Mr. Corona said that with the new deck they are not going over their allotment of Impervious Coverage.

Ms. Furio said you are saying that the deck will be no more than 9' out. So, 9' wide by 38' long, and the 38' includes the staircase ?

Ms. Kim said yes.

Ms. Corona said it has the information but it is not drawn in on the plot plan.

Ms. Furio asked for the original plan.

Mr. Corona said the plan has a raised seal with 'architect' on it.

Mr. McLaughlin said that he was looking at the original survey. The new foyer that is going on looks like its butting out past the front of the house further than the original plan. Does that encroach into the Front Yard Set-Back ?

Ms. Kim said that Mr. Rossi told her that the 25' set-back, we have to keep it. Because the concrete pad to the foyer so that white square is the pad. The extension comes 5' out.

Mr. Van Horne explained if you go forward today, we would vote based on what you presented . Or, you can adjourn until next month and bring in a proper drawing by the architect. You might consider having him come to testify because we were trying to cut you some slack by letting you testify, to help the applicant, because of the language barrier, but you are really giving what should be coming from an expert / architect .

Ms. Kim said that she (the applicant) was trying to do this by herself.

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Mr. Van Horne said that people who do that often run into problems like this because they don't understand that they have not adequately presented the proper documentation to the board. So if you decide to adjourn for a month get the documents in 10 days before.

Ms. Kim asked what if she give up the deck, she is not doing any deck.

Ms. Furio said if you are taking the deck off the table, then the application will be as stated. If you decided to put on the deck, you would have to come back again, re-notice, reapply and do the whole thing all over. Because if you go ahead, and take the deck off the table now, and go with the addition, and then put on the deck anyway, you will be told to take the deck down. So you have a choice of voting now, and maybe having the whole thing turned down because of the deck, or you adjourn to next month and have all the measurements on which would put everyone's mind at ease so they can see exactly what they are voting on.

Ms Kim and the applicant discussed the matter.

Ms. Kim said they had decided to adjourn until next month.

Ms. Furio said you need to have the size of the deck, and how far it is going to be from the set-backs. How long it is going to be. A description of what the deck is going to be.

Mr. Corona said the information is here, it's just not so we can look at it and say no problem. The staircase, what shape, how do you get down.

Ms. Furio said another view, not just a top view. Side view, front view.

Ms. Kim said is there a chance that it can be denied.

Ms. Furio said that at the time you bring it back, we'll look at it and make sure that the dimensions are what they need to be as related to the application, to the variances you are requesting, and at that time we can make the determination. But we need to see it, we don't want to make assumptions, because we don't want to make the wrong choice.

Ms. Kim said we are going to see how the deck is going fit onto the building.

Ms. Furio said the major concern is we know where its going to be but not how big its going to be. One page says these are all the measurements, the square footage. We have an image of the top view down. It's not specific enough for the board to feel comfortable and make a determination that I have read this information and I am going to apply it here. Everyone will have a slightly different opinion of what it will look like. There is the chance that someone might not feel comfortable: and say I don't see it in black and white in front of me and say 'no'. So it is best to have the drawing top view, side view, with all the measurements on it so we can look at it and say simply that this is what it is, now we can make a determination. So have your paperwork in 10 days prior. We'll be able to review it and discuss it.

Mr. Merzel said you are building a 2nd floor the same height. Normally we would see height required 28'. Existing, Proposed. These should be written down. The application should say the Impervious Coverage, how much will it be proposed. We are voting on something we can see and understand, otherwise we can run into trouble.

Ms. Kim said that part I understand. I have to tell the architect how much we need to prepare. Do we need blue-print or construction documents. Or a diagram with measurements and how it's going to be built.

Ms. Furio said a view of the front of what it is and what it's going to look like, and a view of the back where the deck is going to be. This is what it is, this is what its going to look like.

Ms. Kim said you need the height of the deck and the height of the new extension.

Mr. McLaughlin said rear elevation and side elevation.

Ms. Kim said all the elevations- front, side, back.

Ms Furio said you should have all that anyway.

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Ms. Kim said she thinks the architect has them already.

Mr. Merzel said its fairly simple and straight forward. Your application is not very complicated. It has to be presented properly.

Ms Furio said we are adjourning to next month, May 28th.

Mr. Van Horne said you don't have to re-notice.

Memorialization

None

Meeting adjourned 8:41 pm