



**Borough of Cresskill  
Zoning Board of Adjustment  
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**1192 Lavon (cont.)**

**96 Westervelt Place**

**Block 76 Lot 31.01**

Mr. Watkins asked Mr. Blake to review his Zoning Analysis.

Mr. Blake testified that the lot was in the R-10 zone with dimensions 45' by 150.4' (6750 sq.ft).

Mr. Watkins asked if this were a vacant lot and the applicant was applying to build a new house, what would be the width of the house in compliance with the Zoning ordinance.

Mr. Blake said that to comply with the side yard requirements the structure would be 10' wide.

Mr. Blake said that the current right side yard is 7.8' and we are continuing it that way. The left side yard is 12.8' to 12.5'. We are extending the house to the back to be 9.95' from the property line.

The 23.1' front setback will remain. That is a pre-existing condition.

The rear yard setback is not a problem because it is 150' property, we are proposing 75.30'.

The permitted Building Coverage is 20%, which is 1350sq.ft required. Original building Coverage is 2488 sq.ft. There was a house, a garage and a shed. We are proposing to take down the garage, expanding the house resulting in a 1445sq.ft foot print. Existing Coverage is 36.7%. the proposed is 21.3%. That is architecturally significant.

The existing impervious is 86.54% to be reduced to 48.65%.

Mr. Blake described the proposed changes to the house. The attic will be removed and a second floor will be added. Adding space to the back of the house. There will be 4 bedrooms, 3 of which are modest. On the 2<sup>nd</sup> floor there will be 2 bathrooms plus a master bathroom .

Mr. Blake described the present appearance of the house, and the improvement proposed: different roof lines and making the house not look bulky.

Mr. Watson asked from the stand point of light, air and space is there any negative impact?

Mr. Blake said that he did not see any negative impact. A 27' wide house is not a big house.

Mr. Watson said that they had redesigned and redesigned this house.

Mr. Blake said that they considered all the constraints.

Mr. Watson asked if we had to comply with the zoning requirements, the addition would be 10' wide ?

Mr. Blake agreed.

Mr. Blake said that the widest point is 27' , at the front the house is 25'. It will feel like a narrow house. It is minimized as far as it will go. There are a number of 30' houses around here that feel like small houses.

Mr. Blake said that there is currently 30' to 35' on the right hand side between houses. On the left hand side it is about 40'.

Mr. Watkins asked if the impression, on someone driving on the street, would be how close the houses are ?

Mr. Blake said that he did not think so. We are not increasing the width of the house on the right hand side, and on the left, only the back of the house, not visible on the street.

Mr. Watkins asked from the c1/c2 standpoint is this lot very long and narrow ?

Mr. Blake said that it was.

Mr. Watkins asked is there any negative impact on the Cresskill zoning scheme if the application was granted?

Mr. Blake said that he does not think that the intent of the zoning ordinance was to create structures 10' wide.

Mr. Watkins asked if there was a positive attribute to this application from the criteria of C1 / C2 relief.

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Mr. Blake said that the proposal will bring the property 'up to speed' with the character of the neighborhood.

Mr. Amicucci asked are you tearing this house completely down ?

Mr. Blake said that they were not.

Mr. Amicucci said the left side yard is 12.5' and you are extending into the side yard 2.5'.

Do you really have to do that ? We have approved a lot of variances on Westervelt, but none have been side yards that protruded more than they already have.

Mr. Blake said the house is 24' 9" wide house, the rooms are only 12' by 15'. We are removing the driveway from that side of the house to get more green grass, and get more of a side yard feel. We are taking down the garage that is 1.5' away from the property line. So we are getting more side yard than what is there now. The addition is 30' from the front of the house and not conspicuous.

Mr. Amicucci asked how close are you to the swimming pool.

Mr. Blake said about 12' to 15'.

Mr. Kassis said that he concurs on the concerns on the bump-out.

Mr. Kassis asked when was the driveway paved ? It was gravel at one time. It meant removing pervious coverage, it may not have been authorized.

Mr Watkins said that they had no idea because this was an estate sale. We intend to remove the driveway. If the application is denied it will stay there. I believe you have an ordinance that you have to park on an impervious area.

Mr. Amicucci said that he had been in the house. Do you have enough room in the cellar do what you want to do- is it high enough ?

Mr. Blake said that the height will have to be modified.

Mr. Amicucci said that it looks as if your doors are at ground level. It does not look as if you have enough room height-wise. Would you dig below ?

*Mr. Blake explained, in vague terms, what they might do.*

Mr. Kassis said that the level of modification depicted on the plan could not be achieved by maintaining the number of exterior walls. You would have to go deeper and underpin the foundation, or you would have to raise the whole house. I do not see how this can be done with the current structure with out compromising it.

Mr. Blake agreed that one of those things would have to occur.

Mr. Blake said that he does not have an answer until he gets board approval. He does not think that it is worthwhile to figure out all the details of the construction until he gets board approval.

Mr. Amicucci said that he understands, but if you knock the house down you must apply to the Planning Board.

Mr. Watkins said that he had discussed this with his client, and consulted with a structural engineer. He concurs that if they have to demolish the house they have to come back to the board. But, the intention is not to knock down the existing house.

Mr. Amicucci said it looks like you have to raise the house or underpin the footings.

Mr. Blake said underpinning the footings does not mean constructing a new house.

Mr. Moldt said that he counts 5 bedrooms, not 4.

Mr. Blake said 4 upstairs and 1 in the basement.

Mr. Moldt said that he thinks there might be an FAR variance here.

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

Ms. Westerfeld asked how close was the pool to the property line.

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Mr. Blake said that it was aligned with the house and was 7.8' away.

Mr. Amicucci asked if there were 2 egressed windows in the cellar bedroom.

Mr. Blake said one in the bedroom and 2 in the recreation room.

Mr. Kassis asked why not center the pool so that you are not close to the neighbor ?

Mr. Watkins said that that was not an issue.

Mr. Watkins said that the existing pool was in horrible condition. We can center the pool without consequence.

Ms. Batistic said that the existing shed was encroaching into the neighbor's yard.

Mr. Watkins said that its gone. It was a very old shed. No problem in removing the shed.

Mr. Watkins said that the only issue that he would like the board to consider is the 2' bump-out . The living room is tiny and the 2' does make a difference.

Mr. Watkins asked if we remove the shed, what does that do to the building coverage?

Mr. Blake said we would comply with building coverage if the shed is removed.

Mr. Amicucci said he is concerned with the 2.5' into the side yard.

Mr. Kassis said also the chimney addition of 1.5' for the fire box.

Mr. Kassis expressed his concern about increasing the side yard variance.

Mr. Amicucci said that the 2.5' bother him. Other than that, it is a nice set of plans the cellar. If you can fit those garages underneath, that is your problem. Do not tear the house down.

Mr. Kassis agrees. It is extremely tight as it is. You are going up higher than currently exists.

To say that you cannot see it from the street is sure, but you could just about pass a cup of coffee over to the neighbor . We are not looking to make side yards worse in town. What you are proposing is making the side yard worse to the point that it interferes with the air, light and space of the neighbor.

Mr. Amicucci said that they gave a number of variances on Westervelt, one with a 40' lot- it was going straight up.

Mr. Watkins said if I lose the bump-out I can pick it up in the rear by extending the addition on the left hand side (side yard 12.5'). This will not increase the variances.

Mr. Amicucci said that he liked that idea.

Mr. Watkins said that they will relocate the shed so that it is 5' off the property line.

Mr. Kassis asked about the condition of the shed. Whether the board should approve of moving a shed in poor condition.

Mr. Watkins said that if they knock down the shed, they could go to Mr. Rossi for a permit to build a new shed.

Mr. Moldt said that because of the variances, he would still have to come before the Zoning board for a new shed.

Mr. Watkins asked if the shed could be included in the application.

Mr. Amicucci said that he would approve the moving / rebuilding of the shed.

Mr. Moldt said that he was concerned about the FAR. There are 5 bedrooms and 5 baths in the house and they are asking for 5% on the FAR. There is no hardship here to require that amount of FAR.

Mr. Blake said that the FAR was based on the first 125' of the lot. So we are pushed into a lower FAR because of the shape of the lot.

Mr. Kassis said that eliminating the bump-out without adding to the back would reduce the FAR.

Mr. Moldt said that FAR would be reduced by 120 sq.ft.

Mr. Blake said the reduction is only by 100 sq.ft.

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**Block 76 Lot 31.01**

Mr. Moldt agreed, but said that there is no hardship in terms of FAR.

Mr. Kassis said that he too sees no justification in bumping out the side. Moving the shed should be done in accordance with the law and not as a favor to this board or the town. A lot is being asked for a small piece of property, and is not justified by any hardship.

Mr. Moldt said that 5% FAR variance and 13.65% Impervious is a lot, that's a lot we are being asked to approve.

Mr. Amicucci said that we have approved many variances on Westervelt- including 2 car garages. He doesn't see any problem with this application, if they are willing to remove the 2.5' bump-out. He said that the existing shed will be moved because it is on another property. The shed is not our business.

Mr. Kassis said that every application is different. There is no precedent that is set. That other similar applications on Westervelt were passed is not relevant. I am not hearing anything that would want me to vote yes for this. There are a lot of vague discussions about dimensions and whats to be done and how this will be achieved. I am concerned about this as well. I see no benefit to the community by allowing this section to be moved and put onto the back. The FAR is not improved by this minor change being offered.

Mr. Merzel asked was it possible that the driveway was paved recently.

Mr. Watkins said absolutely not- it is an old driveway.

Mr. Corona said you are proposing to take the 2.5' bump out and adding to the back with the 12.5' side yard all the way down.

Mr. Blake yes we will take the 2.5' off the side and we would be adding less than 2' in the rear.

Ms Batistic asked if they would square off the back.

Mr. Blake said that they would not. They would use the exact same area and extend it in the back.

Mr. McLaughlin the motion to approve the application with the provision that the 2.5' bump out be removed from the left side and appended to the back.

Ms Furio seconded.

Mr. Amicucci voted Yes because the 2.5' bump-out had been removed.

Ms. Batistic voted Yes because she calculated that if the lot was 8.5' wider, then for the same area (but less depth), there would not be any FAR variance. The fact that the lot is very narrow and long is a hardship. Also it will be an improvement to the area.

Mr. Kassis voted No.

Mr. Merzel voted Yes because the big improvement in the Impervious overrides the disadvantage of the FAR.

Mr. Moldt voted No.

All other board members voted Yes.

The application was Granted.

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**1193 DiStaulo                                      135 Truman Drive                                      Block 91.08 Lot 22**

The applicant sought the following variances in the R-40 Single Family Zone. He proposed to construct an accessory building, Cabana / Garage.

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
Front Yard Set Back	50 ft			
Side Yard Abutting/Lot	30 ft			
Combined Side Yards	60 ft			
Rear Yard Set Back	75 ft			
<b>Max. Livable Fl.Area</b>	<b>20%</b>		<b>21.49%</b>	<b>1.49%</b>
Lot Frontage	150 ft			
Lot Depth	200 ft			
<b>Bldg Coverage %</b>	<b>12.5%</b>		<b>15.04%</b>	<b>2.54%</b>
Impervious Coverage	35%			
Height	33 ft			
Lot Area	40,000 sq.ft			

*Proof of Publication and Mailing to be provided prior to the hearing.*

At the request of the applicant, the application is carried to the September meeting.

**1194 Teshar                                      276 Jefferson                                      Block 117 Lots 26-28**

The applicant sought the following variances in the R-10 Single Family Zone. She proposed to construct a Add-A-Level to her home..

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
<b>Front Yard Set Back</b>	25 ft			
<b>Side Yard Abutting/Lot</b>	<b>15 feet</b>	<b>6.2'</b>		<b>8.8'</b>
<b>Combined Side Yards</b>	<b>35 feet</b>	<b>20.2'</b>		<b>14.8'</b>
Rear Yard Set Back	30 feet			
<b>Max. Livable Fl.Area</b>	variable			
Lot Frontage	<b>100 ft</b>	<b>60.18'</b>		<b>39.82'</b>
Lot Depth	<b>100 ft</b>	<b>92.82'</b>		<b>7.18'</b>
<b>Bldg Coverage %</b>	<b>20%</b>	<b>21.75%</b>		<b>1.75%</b>
<b>Impervious Coverage</b>	variable			
Height	28 feet			
<b>Lot Area</b>	<b>10,000 sq.ft</b>	<b>5,449 sq.ft</b>		<b>4,551 sq.ft</b>

Ms Patricia Teshar and Ms Stephanie Pantale (architect) were sworn in.

Ms Pantale showed photos of the existing 1.5 story Cape Cod.

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**1194 Teshler (cont.)**

**276 Jefferson**

**Block 117 Lots 26-28**

Ms. Pantale said that the attic was finished with 2 bedrooms. There is a bedroom on the 1<sup>st</sup> floor plus a living and dining room, a bathroom and a kitchen. There is a one car garage. The lot depth is 96' on one side and 89.6 on the other side.

Ms Pantale reviewed the variances (all existing) because of the undersized lot. The side yards are 8.8' on one side and 6.4' on the other side and 6.2' in the back of the garage. The building coverage is 19.45%, and the proposal is for 21.75%. Most of the coverage variance is from the cantilever in the back which is not touching the ground. The Impervious Coverage, the FAR, the height, the front and back yards, do not need variances.

Ms Pantale said that they propose to build straight up and extend out the front and the back. They will not extend over the back half of the garage.

Ms Pantale said that they will have 4 bedrooms, they have 3 children. The rooms are not very big- 10.5' by 12'. The living room and master bedroom are 13' by 17'.

Mr. Amicucci asked when facing the house how close is the house to the right.

Ms. Pantale showed a photo, to the right it is 22.7'. They have windows, so we did not put any windows on our side. On the other side it is 22.4'.

Ms. Pantale described the distance of other houses in the photo.

Mr. Kassis asked if there was an alternative considered of doing something different over the garage.

Ms. Pantale said that making it smaller would make it narrow and very tight.

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

Mr. Kassis said that he was concerned with the way the side wall will look.

Ms Pantale said that we can add high windows to the garage. Our concern was that the adjacent neighbor has bump-out windows. They cantilevered out the side for the window. They were concerned that whoever got that room would be able to look at them.

Mr. Kassis said that something needs to be done about a massive wall.

Ms. Pantale indicated where they could place some high windows.

Ms Furio made the motion to approve the application with the provision that 2 windows be included in the side wall.

Ms Batistic seconded.

The application was granted.

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**1195 Lavin**

**77 Churchill Rd**

**Block 207 Lots 10**

The applicant is seeking the following variances in the R-10 Single Family Zone. She proposes to construct a rear patio..

Description	Required	Existing	Proposed	Variance Required
<b>Front Yard Set Back</b>	25 ft			
<b>Side Yard Abutting/Lot</b>	15 feet			
<b>Combined Side Yards</b>	35 feet			
Rear Yard Set Back	30 feet			
Max. Livable Fl.Area	variable			
Lot Frontage	100 ft			
Lot Depth	100 ft			
Bldg Coverage %	20%			
<b>Impervious Coverage</b>	<b>30%</b>		<b>35.16%</b>	<b>5.16%</b>
Height	28 feet			
Lot Area	10,000 sq.ft			

Dianne and Christopher Lavin (applicants) were sworn in.

Ms. Lavin testified that they were asking for an Impervious variance of 5.16% so that they could build a rear patio. Because we are in the R10 zone we could only utilize 125', instead of the entire depth, to calculate the required Impervious.

Mr. Amicucci asked where is the patio.

Mrs Lavin said behind the kitchen and laundry room.

Mr. Amicucci asked if the patio was enclosed.

Mrs. Lavin said it was not.

Mr. Moldt said that there is some confusion about the survey.

Mr. Amicucci said that he was at the house today and there was construction right across the back.

Mrs Lavin said we got approval for the building permit. The only variance that was needed was for the patio.

Mr. Moldt said that the plan that they have does not show the patio, only the addition.

Mr. Amicucci said the site plan needs to show the patio. Would you like to delay this until next month when you will have the right site plan.

Ms Lavin asked is that my only option to wait another month.

Mr. Amicucci said it was because the board could not decide anything without a correct site plan.

Ms Pantale said that she works in the same office as the architect for the Lanvin addition. She explained about adding to the site plan for the next Zoning board meeting. The application will be carried for the September meeting.

Ms. Pantale said that she will submit a sketch 10 days before the next meeting with dimensions and calculations.

Mr. Amicucci asked Mr. Van Horne if re-notification is necessary.

Mr. Van Horne asked if anyone came in to see the plans in the past 2 weeks ?



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**1196 Hess (cont.)**

**34 Clark St**

**Block 196 Lot 8**

Ms Pantale said they were seeking a variance of 14' feet for the rear yard. They want a 16' deck out from the house. Everyone on their side of the street have decks. All the houses line up. The decks all do encroach on their rear yards.

Mrs Hess showed pictures of the decks. She explained the photos.

Ms Pantale said that they were told if they used composite materials for the deck it will be included in the Impervious calculation. Unlike wood decks which are not included.

Mr. Amicucci asked how high was the deck off the ground.

Ms. Pantale said it was 3' off the ground.

Mr. Moldt asked what is the surface of the deck in relationship to the surface of the interior floor.

Ms Pantale said about 4". All the properties slop back in that area.

Mr. Amicucci asked in 2005 what was the plan for the composition of the walk.

Ms. Hess said pavers.

Mr. kassis asked if there was a deck proposed in the 2005 application.

Ms. Hess said there was not.

Ms Pantale showed the 2005 plan to the board. The landing and the steps were included.

Ms. Pantale described the changes made to the house in the 2005 plan.

Ms. Pantale said that some of the walkway was removed to increase the impervious.

Mr. Amicucci said that the decks shown in the photos may not be legal.

Ms. Pantale, Ms Hess and Mr. Amicucci discussed the decks shown on the photos.

Mr. Amicucci asked what is the size of the fence in the back yard.

Ms. Hess said 6'. The house was bought with the fence.

Mr. Merzel asked if the deck has to be composite?

Mr. Hess said we prefer it because of the maintenance and the looks; but we want spacing between the boards.

Ms Hess said the landing that is there now is composite and has spacing.

Mr. Kassis said that decks were always regarded as impervious no matter which material.

Mr. Amicucci said that he is concerned that the yard is 30' and the deck is 16' that leaves only 14'. That's not very much. The people in back of you are lower?

Ms. Hess said yes.

Mr. Amicucci examined a photo of the area behind the house.

Ms. Pantale asked if they reduced the deck by a foot or two, would that be more palatable ?

Mr. Amicucci said he would prefer that.

Mr and Mrs Hess said that they would have no problem reducing the deck.

Mr. Kassis said he was glad to see there is a concession. He would not object going 2 feet wider.

Ms Pantale indicated that the length of the deck would be reduced to 14' from 16'; and the width of the deck would have 2' added to the right hand side. The deck will be 14' by 26' plus stairs on both sides.

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

Mr. Kassis made the motion to approve the application with the amendment described by Ms Pantale.

Mr. Moldt seconded.

The application was granted

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**Memorializations**

**1189 Shoulman 188 E. Madison Block 92.08 Lot 12**

The applicant was granted the following variances in the R-10 Single Family Zone. He proposed to construct a second floor addition..

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
Front Yard Set Back	25 ft			
<b>Side Yard Abutting/Lot</b>	<b>15 feet</b>	<b>10 feet</b>		<b>5 feet</b>
<b>Combined Side Yards</b>	<b>35 feet</b>	<b>30.7 feet</b>		<b>4.5 feet</b>
<b>Rear Yard Set Back</b>	<b>30 feet</b>	<b>28.10 feet</b>		<b>1.2 feet</b>
Max. Livable Fl.Area	variable			
<b>Lot Frontage</b>	<b>100 ft</b>	<b>75 feet</b>		<b>25 feet</b>
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	variable			
Height	28 feet			
<b>Lot Area</b>	<b>10,000 sq.ft</b>	<b>8,250 sq.ft</b>		<b>1,750 sq.ft</b>

**with that portion of the application pertaining to the patio and rear yard setback being withdrawn:**

**1190 Spina and Cutro 16 Woodland Ave Block 191 Lot 4**

The applicants were granted the following variances in the R-10 Single Family Zone. They proposed to construct an in ground pool and fence on the south side of the premises.

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
<b>Lot Frontage</b>	<b>100 ft</b>	<b>86.30 ft</b>		<b>13.7 0ft</b>
Lot Depth	100 ft	184.43 ft		
<b>Bldg Coverage %</b>	<b>20%</b>	<b>26.40%</b>	<b>26.40%</b>	<b>6.40%</b>
<b>Impervious Coverage</b>	<b>31.3%</b>	<b>43.09%</b>	<b>46.72%</b>	<b>15.42%</b>
<b>Fence</b>	<b>4 ft</b>	<b>4.5 ft</b>		<b>0.5 ft</b>

**with that portion of the application for the fence variance being withdrawn:**

