

**Borough of Cresskill
Zoning Board of Adjustment
Minutes Aug. 27, 2009**

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#1159 Albanese (cont)

39 Pierce Ave

Block 200 Lot 13

The lot has an irregular shape- like a slice of Pizza Pie- and a corner lot.

Ms. Pantale pointed out the side and rear yards on the plan.

Ms. Pantale said that the house fits barely on the lot . It is 16' off the side yard, 68' off the rear yard, 30' from the front and 25' 1" from the other front yard (on Deacon). The living room is in front , there is a kitchen and a dining room. The applicant is asking for a 6' addition which encroaches on the front yard. They need to elongate their dining room. The kitchen is small, and they eat in the dining room. With Stacey moving in there are 10 to 14 people eating at the house. The current size of the dining room is 11 by 11'6", and is just a little too tight. There is no eat-in kitchen just the dining room / kitchen. This will require a front yard variance of 5.43'. The variance gets small around the curve to the smallest point at 3.3'.

Mr. Amicucci asked if most of it was 5.4'.

Ms. Pantale said it was.

Ms. Pantale said the only place to put the addition is on the front yard. There is already a chimney there that sticks out 2'. All other variances are OK. The Building Coverage, FAR Impervious Coverage are well within the limits. The addition is only one story. The addition is no bigger than a front stoop- it is less than 50 sq.ft.

Mr. Amicucci said that he drove around the area and there is no corner house that extends beyond the 25'.

Ms. Pantale said that the applicants wanted 10' but she talked them into accepting 6'. Cresskill frowns upon front yard additions. They wanted to extend the second story over the addition, but she talked them out of it. They need at minimum 6', and the chimney stands out by 2'.

Mr. Amicucci asked if there was no other way of doing this.

Ms. Pantale said that if it was bumped out in the back it would eliminate the deck, for which they got a variance, and it would be awkward because it would not go in the right direction.

Mr. Kassis asked what are the current dimensions of that room.

Ms. Pantale said 11 by 11'6".

Mr. Kassis said that if you added 6' to the other it would be the exact same size.

Ms. Pantale said that it would eliminate the deck and still encroach on the front yard.

Mr. Kassis said by 6".

Mr. Albanese said that eliminating the deck would effect their style of life. Its important to them. They are avoiding the elimination of the deck. It is an essential focal point for their family gatherings

Ms. Pantale said that the yard was not utilized because of the way the house was designed. The deck was the access to the back-yard.

Mr. Merzel asked what was the size of the deck.

Ms. Batistic said 17' by 24'.

Mr. Albanese said that he has 7 grandchildren and they need the space.

Ms. Pantale said because the lot was not a 100' by 100' square there was a hardship in the positioning of the house. The Zoning ordinances are based on a square lot.

Mr. Amicucci asked how far does the chimney extend.

Ms. Pantale said 2.5'.

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Mr. Amicucci said because the chimney is conforming you are asking for about 2.5'.

Mr. Kassis said he was concerned about the front variance. Does it have to 6'.

Ms. Pantale said that this was minimum because on the inside the extension is only 5'.

Mr. Amicucci asked about the front yard on Deacon Place. If the Fabians came out of their front door and looked to their right would they see it.

Mr. Albanese said that he doubts that they would because of the foliage.

Mr. Amicucci said that the chimney comes out 2.5'. The resultant increase in variance is 2.5'. With the contour in the street the line of sight is not effected when driving on Pierce. He does not have a problem with the application.

Ms. Furio asked about the roof line.

Ms. Pantale said there was a 1' over-hang.

Mr. Kassis said 1' beyond the 6', the addition to the roof is 7' including the over-hang.

Mr. Amicucci said do not count the over-hang.

Mr. Merzel asked if the basic goal is to get more square feet on the first floor.

Ms. Pantale said yes it was.

Mr. Albanese said that the extension of the dining room will enable them to change the kitchen around to make it more effective.

Mr. Merzel said some asked if there was another way of doing this. You have 5' extra on Pierce. If you add to the living room and run your dining room into the living room. There are other ways to add square footage.

Ms. Pantale said that there was a hardship in a lot that was not square.

Mr. Albanese described what would be required to extend the house towards Pierce. He said that the cost was unacceptable.

Ms. Pantale said that with only 11' across, there was a problem with the front door.

Mr. Merzel said that he was worried about the precedence.

Mr. Amicucci said that each case is different. A variance for the front yard was given to a house on a corner lot, close by, for a 2 car garage. He cited another example of a front yard variance.

Mr. Merzel said that size of family is not a hardship. The hardship is the shape of the lot. Many cases come to the board claiming hardship because of a corner lot. Since he has sat on the board, cases with corner lots have been denied.

Mr. Amicucci said the hardship was in the pie shape of the lot.

Ms. Pantale said that the Zoning code is made for square lots. She explained the difficulty with the pie-shape lot. From Pierce the addition will not be seen. The next door neighbor will not see it.

Mr. Merzel said that they could get the extra square footage without a variance, but it would cost more money.

Mr. Amicucci said doing it that way was not feasible.

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

Ms. Furio made the motion to grant the application.

Mr. Gangi seconded.

