

**Borough of Cresskill
Zoning Board of Adjustment
Minutes Aug. 27, 2015**

1271 John Finetto

159 Magnolia

Block 61 Lot 1104

Mr. Finetto is applying for the following variances. He proposes to build a *new house with a FAR variance*.

Description	Required	Exis ting	Proposed	Variance
Front Yard Set Back 8th St	25ft		9' *	16' *
Front Yard Set Back Magnolia			11'	14'
Side Yard Abutting/Lot	15 ft		10'	5'
Combined Side yards	35 ft		26' *	9' *
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR (variable)	39%		51.9% *	12.9% *
Lot Frontage	100 ft		50'	50'
Lot Depth	100 ft			
Bldg Coverage %	20%		27.8 % *	7.8% *
Impervious Coverage (variable)	35%		40% *	5% *
Height	28 ft		28'	
Lot Area.	10,000 sq.ft		5000 sq.ft	5000 sq.ft
Driveway from Prop. line.	10'			

The application was carried from last month.

** These figures reflect the changes made, at the last ZBOA meeting, to the original application.
The applicant will provide corrected plans, to the board, that reflect said changes.*

Ms. Furio explained that there were only 5 members of the board present and that an FAR variance can only be approved with at least 5 affirmative votes

The applicant opted to have the application heard at the next ZBOA meeting in September.

The application was carried

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1272 Azam & Dalia Hasisey (cont.) 52 7th St. Block 61 Lot 1104

the Building Coverage is 24.32%, the Impervious Coverage is decreased to 38.23%. With the hardship of having the existing house as it is. The proposal makes sense in the neighborhood- it does belong on this property and on this street. The front yard set-back fits in with the other houses. The 2nd floor addition is in the anterior part of the property. It will cause no decrease in air nor view for the neighbors.

Ms Furio asked how far is the porch be moved from the property line.

Mr. Blake calculated 12.3'. The existing porch is enclosed, has windows and is not heated. We are proposing columns and a railing.

Ms. Furio asked there is no excavation to the current foot-print, the basement is the basement.

Mr. Blake said correct. There is intent to modify the basement door or window but it is all interior.

Ms Furio asked the steps leading out to both of these sections, are they full doors.

Mr. Blake said they are hard wood and 2 steps from the grass.

Ms. Furio asked how much of the existing cellar is below grade.

Mr. Blake said 50%, at the rear its about 40% out of the ground, 60% out of the ground and 20% out of the ground. Overall more than half of it is under ground. You are looking at the side elevation, you can see the slope of the land. Its higher in the front which is 6' underground and the back is 4' underground. The average is 5' underground. With 8' ceilings its more than half underground.

Mr. Van Horne asked what is the depth of the steps down to the platform.

Mr. Blake said 4 steps. *Mr. Blake explained the step configuration.*

Ms. Furio said you are saying that the part of the house that is below grade you are calling it ?

Mr. Blake said we are calling it a cellar because 50% of the floor area is underground and not part of the FAR.

Ms Furio read the definition from the ordinance

BASEMENT

A story in a building having a floor below the finished grade at any point on the periphery of the building and having a structural ceiling level at least three feet above the average finished grade along any side of the building.

Mr. Van Horne said so we would need to testify as expert that the area that you are talking about complies with the definition of a cellar.

CELLAR

A space in a building with a structural ceiling level less than four feet above the average finished grade along any side of the building facing a street.

Mr. Blake said there are 2 different cellars in the house. An old cellar and a new cellar at two different levels. One is a basement and one is a cellar.

Mr. Van Horne said there is no way to go from one to another they are totally separate.

Mr. Blake said correct. The one in question is completely in the rear of the house, not facing the street.

Ms Furio asked how many people are living in the house.

Mr. Hasisey said 3.

Ms Furio said 5 bedrooms, 2 nec. rooms

Ms Furio asked how much of the back cellar / basement exists above ground.

Mr. Blake said on the wall that faces the street, less than 4' but I don't have documents.

Ms Furio asked what is the Floor Area that you have now ?

Mr. Blake said not including the lower cellar level 2998 where 3000 is required.

Ms Furio asked if you were to add that space in the back of the front steps how big is that.

Mr. Blake said 20' by 28' but I don't have the documents.

Ms Furio asked how would that affect the FAR ?

1272 Azam & Dalia Hasisey (cont.) 52 7th St. Block 61 Lot 1104

Mr. Blake estimated 5.75% over.

Ms Furio said you don't have any real number on what that part of the house is...

Mr. Blake said no I don't.

Ms. Batistic asked do you have a survey ?

Mr. Blake said there is a survey but not a proper one.

Ms. Batistic asked if there are grades on the survey.

Mr. Blake said no.

Mr. Merzel asked what is the significance of whether the 2 parts of the cellar are connected.

Ms Furio said to determine whether it is a cellar or a basement to include in the FAR.

Mr. Blake said if it was continuous the front wall would definitely be under grade. It would not be a basement.

Mr. Merzel, Mr. Blake, and Ms. Furio discussed whether the space should be classified as basement or cellar.

Ms. Batistic said the Floor Area is the sum of the gross horizontal areas of the several floors, excluding cellar and basement areas used only for storage or the operation and maintenance of the building. So it excludes basements if they are used for the operation and maintenance of the building.

Ms. Furio said it is clearly marked as finished recreation.

Ms. Batistic said that's my question, because in the Floor Area Definition it does not talk about the height.

Ms. Furio said no it doesn't so we have to determine whether it's a basement or a cellar. Which determines whether you include it in the FAR.

There was a discussion among the ZBOA members how the FAR definition relates to the application regarding the cellar/ basement.

Mr. Corona said that he was concerned that the FAR was not part of the check list.

Ms Furio asked what else is down in the basement ? Rec. room 1, Rec. room 2, full bath, laundry room, 2 staircases up into the house so that you can get to the basement from upstairs.

Mr. Merzel made the motion to approve the application because the house would retain the existing footprint, the Front Yard and Side Yard variances are existing and the Coverage and Impervious variances are reduced.

Ms. Batistic seconded.

Ms. Batistic, Ms. Westerfeld, Mr. Corona, Mr. Merzel voted for the motion

Ms. Furio voted against.

The application was granted

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1273 Michael Leahy (cont.) 142 Elm St. Block 128 Lot 6

Ms. Furio asked what's on the side of the house- there's more concrete.

Mr. Leahy said its 5' on the left side of the house and 5' on the right side- just a concrete walk. May take it out and put grass.

Ms Batistic asked about the FAR calculation. Does it count just the first 100' of the lot area or the entire lot area ? The total floor area shown on the drawing is 2364 sq.ft. At 100 ft depth, its 47%.

Mr. Leahy said on the whole lot on the plan its 36.43%.

Ms. Furio said when the lot is longer than 100, the extra area after the 100' is not used in the calculation of the FAR.

Ms. Batistic calculated its 47.3.

Mr. Van Horne said you are 8% higher than the percentage allowed.

Ms. Furio said calculate the FAR based on 125'.

Ms. Batistic said 37.48.

Ms. Furio said you have one length of 128.4 and another of 131.15.

Mr. Leah agreed.

Ms. Batistic said 37.8.

Mr. Merzel asked why the proposed front porch produced a variance of 2' for the Front Yard Set-back.

Mr. Leahy said just how the front steps fall. When you walk through the front door, the new porch comes out to about that point. The existing front steps are 6" more than the proposed front steps.

So although the front porch would come out at more than the existing awning that's there, the ending point which would be the four steps to get up to the porch are going to be 6" further back.

Ms. Batistic said its just the steps getting pushed back, but the porch is being pushed more towards the street.

Ms. Furio asked how wide is the porch ?

Mr. Leah said 6.5'. The front porch would be 27' 7".

Mr. Merzel asked from the front of the property line to the beginning of the porch, forgetting the steps

Mr. Leah said that number is the 23.7. The way the porch plays out, you actually lose one step than what's current. So you would be taking away a step and then you are gaining 6".

Mr. Merzel asked why couldn't it have been designed at 25'.

Mr. Leah said I was told the industry standard for a porch is 6' to 6.5'.

Mr. Merzel said that he had seen many porches with 5'. Why cannot this be made 25' from the front.

Ms. Furio asked what would the depth of the porch be ?

Ms. Batistic said the existing porch awning is 26.2' from the street line. The proposed has another 1.5' to gain. The proposed is 23.2', so its 3' bulked up.

Ms. Furio said to minimize the Front Yard Set-Back issue how wide would the porch be ?

Ms. Batistic said 1.8' to be taken off. Which makes 4.7' almost 5' wide versus 6.6'.

Mr. Leah said by the time you put railings on it will be 4'.

Mr. Corona said but then it conforms.

Mr. Merzel explained how the Board had always been strict with the Front Yard Set-Back.

Ms. Batistic said that she also feels that the front porch is too intrusive for the entire width of the house, and that you can achieve the look with 4.7' wide porch.

Mr. Leah said he does not have an issue with that. Rather than getting denied, what do I do

Mr. Van Horne said you can amend your application to include a front porch at 4' 7".

Ms. Furio said the Front Yard Set-Back ends at 25'. That part of the application is amended. You don't have to re-draw. But when you submit the As-Built it has to be at 25'.

Mr. Leah agreed.

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1273 Michael Leahy (cont.) 142 Elm St. Block 128 Lot 6

Ms. Batistic made a motion to approve the change to the width of the front porch to comply with the Borough ordinance of 25' set-back. Also the depth of the property (to 130').

Mr. Corona seconded.

Application was granted as amended.

Memorialization

1269 Zvi Chinishky 14 Weil Place Block 162 Lot 18

Mr. Chinishky was granted the following variances. He would like to construct an addition above the garage.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25ft			
Side Yard Abutting/Lot	15 ft	7.9'	7.98'	7.02
Combined Side yards	35 ft	43.62	43.7	
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR (variable)				
Lot Frontage	100 ft	75 ft		
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage (variable)				
Height	28 ft			
Lot Area.	10,000 sq.ft	7500 sq.ft		
Driveway from Prop. line.	10'			

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Memorialization

1270 Jack Klagsbrun 82 Monroe Ave Block 25 Lot 10

Mr. Klagsbrun was granted the following variances. He would like to construct an addition to his house.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25ft		10.11'	14.89'
Side Yard Abutting/Lot	15 ft	1.28'	1.28'	13.72'
Combined Side yards	35 ft		16.28'	18.72'
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR (variable)	39%	23%	43%	4%
Lot Frontage	100 ft	50 ft		50'
Lot Depth	100 ft			
Bldg Coverage %	20%	11%	26%	6%
Impervious Coverage (variable)				
Height	28 ft			
Lot Area.	10,000 sq.ft	5000 sq.ft		5000 sq.ft
Driveway from Prop. line.	10'			

ALSO: The existing garage will be removed, the existing porch will be removed, and the HVAC compressor will be moved to the opposite corner 5' from the property line.

Meeting adjourned at 9:07 pm