







**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes Aug. 26, 2010**

**Page 4 of 8**

**1175 Vidiaev for Firnberg (owner) (cont.)      36 Smith Terrace      Block 53 Lot 22**

Mr. Vidiaev said that on the corner there is a new realignment of the side wall to the back side. That corner add on to the old floor area.

Mr. Moldt said that you are squaring the back.

Mr. Vidiaev said yes, exactly.

Mr. Moldt said in the front there are 2 areas where you are outside the current footprint.

Mr. Vidiaev said in the front the entrance is small (3' x 4') and because there is 5' to the 25' setback, we would like to use that area to increase the entrance size.

Ms Furio asked will that be an outside porch or are you pushing the walls out?

Mr. Vidiaev said that there will be a wall on the 25' line.

Mr. Moldt said that you are adding to the foundation.

Mr. Vidiaev said yes they are.

Ms. Furio asked will that be an interior space.

Mr. Vidiaev said yes it will.

Mr. Moldt asked will you be having steps at the front .

Mr. Vidiaev said yes. plus 1.5' porch

Mr. Moldt said 2 steps down and a porch as well ?

Mr Vidiaev said yes about 3.5'.

Mr. Moldt said that it was not shown on the plan.

Mr. Amicucci said you are showing on the plan that you are going to build exactly to the 25' line.

Mr. Vidiaev agreed.

Mr. Amicucci said that when you step out of your front door, there will be no roof overhead. Is that correct.

Mr. Vidiaev said that 1.5' overhang of the roof.

Mr. Amicucci said that was not shown on the plan.

Mr. Vidiaev said that he did not show the roof line.

Mr. Amicucci said that we have to see it on the plan. If we approve this, there will be no roof over the front door.

Mr. Vidiaev said the roof can go over 1.5' over the side line.

Mr. Amicucci said only if you get a variance. You are encroaching on the 25' setback.

Mr. Moldt said that my issue with your application is that I do not have any plans that I can make judgements from. I just have an outline on the plot plan and you are not sticking to the footprint. So the coverage is going to be larger but I don't know by how much. I have the required and the existing but I don't know what the new coverage is going to be. You are adding coverage in the front and in the left rear. I don't know the new Floor Area Ratio- though I suspect it will be OK. but I need to know what that new Floor Area Ratio is.

Mr. Vidiaev said definitely inside I did confirm it.

Mr. Moldt said I don't have information as to what it is. Normally we have plans with all the new proposed numbers.

Mr. Moldt said that when you say you are going to reconstruct the house, are you planning to take the entire house down.

**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes Aug. 26, 2010**

**Page 5 of 8**

**1175 Vidiaev for Firnberg (owner) (cont.)                      36 Smith Terrace                      Block 53 Lot 22**

Mr. Vidiaev said No. First of all the roof becomes bigger. Alteration inside. We have to move some walls.

Mr. Moldt said you have to move bearing walls in the front. The whole left side and the rear will have to be new.

Mr. Vidiaev agreed.

Mr. Amicucci said on the right side too.

Mr. Moldt said yes, over the patio.

Mr. Moldt said that there are a whole set of circumstances for which we are lacking information to make an accurate judgement. I don't have the numbers for the Floor Area Ratio, the new Coverage number. You might need a variance for coverage, because you now within 3% of the requirement.

Mr. Amicucci asked who calculated these numbers ?

Mr. Vidiaev said I did, working with Mr. Bustamante.

Mr. Moldt said I am not doubting the information, I just don't have enough information. I would not move forward with this without knowing what the new Coverage and FAR is. I suspect that you will need a variance on the Coverage. We don't have the proposed numbers.

Mr. Amicucci said the required coverage is 20%, you have actual 17%.

Mr. Vidiaev said that it is not the actual (existing). The actual is more like 14%. The number shown is really the proposed, new number. All the numbers shown are the new numbers.

Mr. Moldt said he is undecided on the coverage because he does not have sufficient information. With the extent of construction proposed, he would like to see plans.

Mr. Amicucci said that there is no roof shown over the steps on the plot plan. We would like to see that on the plot plan. You might need a variance for that.

Mr. Kassis said that he has concerns about the side yards. You are proposing an overhang of the roof on the right hand side of the house.

Mr. Vidiaev said yes.

Mr. Kassis asked how much of an overhang are you proposing?

Mr. Vidiaev said the existing is 12". The proposed will stay the same –just one story up.

Mr. Amicucci said there is no overhang on the garage now.

Mr. Vidiaev agreed.

Mr. Kassis said the side yard is 2.9' with the overhang. By adding to the back, you are creating a side yard over a large area

Mr. Amicucci said that an overhang does not count.

Mr. Kassis said if the front porch is small enough, it does not count as a variance either.

Mr. Kassis said that he has an objection to extending the side yard . It will impact the light and open space of the neighbor. You are adding, to what was a one car garage, a 2<sup>nd</sup> floor living area with a roof overhang (eave).

Mr. Vidiaev said that according to the web site there must be 10' between the houses. There is 10' between the houses. We are staying within the lines and increasing towards the back.

Mr. Kassis asked you would not mind if your neighbor built to 3.9' of the property line, so that you would have just 6' between the houses.

**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes Aug. 26, 2010**

**Page 6 of 8**

**1175 Vidiaev for Firnberg (owner) (cont.)                      36 Smith Terrace                      Block 53 Lot 22**

Mr. Amicucci said that was not a fair question because the house is there already, built in the 1930's and he cannot do anything about it. If his neighbor wanted to build an addition within 3.9' of the property line, we certainly would not approve it.

Mr. Kassis said that there is a garage there now, not living space. It was built and intended as a garage. Now you are looking for a 2 story addition above and behind, extending the size of the house to the detriment of the neighbor.

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

Linda and Charles Vienni were sworn in.

Mr. Vieni said that they were here in support of this application. They live next door to the applicant, on the left hand side when facing the property. The houses in the area are very close together- 3.9' side yard is not unique. We have the same problem with our lot. We have appeared before the Zoning board in order to build a deck. The complexion of the area cannot be changed. The Firnbergs are doing the best they can to improve their situation in the home and the way its going to look.

Mrs. Vieni said they have about 8' on their side, and we have a couple of feet. Our garage is way in the back on the property line. On the side of the house, facing the other neighbor, we have a massive 2 story about 4' from the line and they are below us. This is not unusual in the area. This is not out of character, the McLaughlin house is bigger, the house, two houses up is bigger, It will add a lot to the neighborhood to have it look good.

Mrs. Vieni wanted to speak for another neighbor, but she was told that she was not permitted.

Mr. Amicucci said if the neighbor's had concerns they would be here.

Mr. Vieni said that he encourages board to vote for the application, and not to make it more difficult to work with the lots and side yards that we have.

Mr. Kassis said there are alternatives for this lot that could be done with consideration of the side yards.

Mr. and Mrs Vieni disagreed with Mr. Kassis.

Mrs. Vieni described how the developer built the houses very economically and the difficulty of altering or enlarging them within the zoning restrictions.

Mr. Amicucci said that there is not much that they can do with it.

Mr. Moldt said that he does not doubt that what you are doing will suit your needs, within what you can do on this lot. His only issue is the lack of plans. If he had plans, he could make a more informed judgement . We can only base our decision on what we see here and your testimony

Ms. Westerfeld asked did you consider building the addition straight on the back.

Mr. Vidiev said no. It is difficult to reorganize existing layout to make the space usable with the function, with the children, with the parents, Of course it can be done in the back too. But even in the back we have 2 walls, with existing set back which by law I cannot move, not in the front, not in the back. I agree that we did not put enough time for a way out. We have a way out . I would like to know if all those 'existing' I can use. I will show elevations. We did not have enough time for now to show all the elevations without knowing if we have option to build inside. If we have those 2 variances on the side, than I can show you with all elevations what we can build.

**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes Aug. 26, 2010**

**Page 7 of 8**

**1175 Vidiaev for Firnberg (owner) (cont.)                      36 Smith Terrace                      Block 53 Lot 22**

Mr. Amicucci asked do you have a set of plans for this house.

Mr. Vidiaev said it is not presentable, I am sorry.

Mr. Amicucci said it would clarify a lot of things. Right now there is a question mark on the roof over the front door, and the coverage.

Mr. Vidiaev they are amateur.

Mr. Moldt said if plans are available it maybe enough to make a decision tonight and not wait until next month.

Mr. Vidiaev showed plans to Mr Amicucci and added to the outline drawing.

Mr. Moldt measured the drawing and calculated building coverage.

Mr. Moldt discussed the drawing in detail with Mr. Vidiaev.

Mr. Moldt and Mr. Vidiaev explained the drawing to the rest of the board.

Mr. Kassis pointed out the advantages of building the addition onto the back of the house.

Mr. Amicucci said we cannot suggest a redesign.

Mr. Kassis said that the basis of granting a variance is that there are no reasonable alternatives. I am making a comment that there is a very viable alternative.

Mr. Kassis said my position is not to make a 3.9' side yard worse. Putting a 30' x 35' addition in the back, provides more square feet than their proposal, and without a 3.9' side yard.

Mr. Amicucci said that maybe the applicants are not comfortable with Mr. Kassis' alternative.

Mr. Amicucci said that everyone on the board can have their opinion, but we cannot redesign an applicant's proposal.

Mr. Kassis pointed out that his opinions have been consistent during all the time he has served on the board.

Mr. Moldt said that he is satisfied that the representation is accurate.

Mr. Amicucci asked is there a problem with the roof over the stoop.

Mr. Vidiaev showed the drawing to Mr. Moldt.

Mr. Van Horne looked up the ordinance for a roof over the front door.

Mr. Moldt said that the portion over the porch is 1' x 7' and does not need a variance.

Mr. Amicucci asked if the eaves are over the side.

Mr. Vidiaev said that they stay the same as they are now.

Mr. Moldt discussed the drawing with Mr. Amicucci.

Mr. Vidiaev explained the added 2<sup>nd</sup> floor roof to Mr. Amicucci.

Mr. Moldt said it was not an issue according to the ordinance

Mr. Moldt said that the coverage is OK.

Mr. Moldt said he was satisfied with the explanation for the coverage and FAR.

Mr. Moldt made the motion to approve the application as it is.

Ms. Furio seconded.

Mr. Amicucci said he is voting 'Yes'. He understands Mr. Kassis' objection, but the house to the right is much higher, and there is no blocking of light and air. The house will remain within the existing sidelines. It will be an improvement to the property and the whole street

Mr. Kassis said he was voting 'No' because there is an alternative.

Mr. Moldt said he would prefer, in the future, to have plans with the application.

**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes Aug. 26, 2010**

**Page 8 of 8**

**1175 Vidiaev for Firnberg (owner) (cont.)            36 Smith Terrace            Block 53 Lot 22**

Ms. Westerfeld voted 'No'.

The application was granted with 5 voting 'Yes' and 2 voting 'No'.

**Memorialization**

No memorializations because there were no applications in July.

The meeting was adjourned at 9:28pm