

**Borough of Cresskill
Zoning Board of Adjustment
Minutes Feb. 24, 2011**

Present: Mr. Amicucci, Mr. Corona, Ms. Furio, Mr. Kassis, Mr. McLaughlin, Ms. Westerfeld, Mr. Merzel, Ms. Batistic, Mr. Moldt , Mr. Van Horne (Board Attorney), Mr. Olmo (Council Liaison)

Absent:

The meeting was called to order at 8:00 pm.

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

The minutes of Jan. 27, 2011 were approved.

1154 Riverview Assoc. 31-39 Broadway Block 4 Lot 13.02

The applicants were seeking the following variances in the R-10 Single Family Zone. They are requesting a 3rd floor where 2 Stories is required. Previous plan approved as per resolution dated 3/25/10.

Height of Building.	Reqd 28'	Proposed 30'	Variance Reqd 2'
Number of Stories	2	3	1

Mr. Richard Abrahamson, representing Mr. Sicas , Mr. Mario Lachanaris, architect, and Michael Hubschman, licensed engineer, were sworn in.

Mr. Abrahamson testified that in 2009 approval was given for four units, a coah unit and office space. They have now come back with a much better design. The number of units remains the same. Much less visual impact for the building. The application needs a height variance of 2 feet which is under 10% , so it is a 'C' variance. Positive results include better vehicular circulation on the site, also for emergency vehicles, there is more light and air. It is a better design.

Mr Hubschman testified that the approved design was a 2 story building with 4 apartments on the 2nd floor, and a COAH handicapped accessible unit and office space on the ground floor. We are proposing to keep the same density: the same four 2 bedroom apartments, the one coah unit, and the office space remains the same at 1400 sq.ft. The new proposal is for a 3 story building, 30' high, there is easier parking underneath and less building coverage. There is better access around the site. The neighborhood is mixed and the house would fit in. Everything, generally remains the same. The parking lot remains the same. The drainage s the same.

Mr. Hubschman described the drainage system.

Mr. Amicucci asked about the size of the drainage pipe.

Mr. Hubschman said it was a 12" pipe.

Mr. Amicucci said that in 2009 meeting the application was approved except for the 12" pipe on the drawing. You agreed to change it to 15". To this date there is no 15" pipe shown. We took you at your word, but it never happened.

The resolution was passed in 3/10/2010, after Mr. Sicas informed our attorney that he would go to court.

Mr. Hubschman said that Mr. Zimic will have no problem changing the pipe to 15".

Mr. Abrahamson apologized for the oversight.

Mr. Hubschman said that the pipe will be changed to 15" at the next revision.

Mr. Hubschman described the lighting, the shade trees and the planting.

Mr Gary Zimic and Mr. Louis Zimic were sworn in.

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1154 Riverview Assoc. (cont) 31-39 Broadway Block 4 Lot 13.02

The new proposal calls for a smaller footprint , 62' in length by 42' in depth . The ground floor remains the same: providing an office area of 1400 sq.ft and a studio-handicap apartment. We provide individual access for each unit in the rear. The layout is living room, dining room, powder room, utility room and a kitchen. An interior stair to the 3rd floor which has 2 bathrooms and 2 bedrooms. We tried to disguise the 3rd floor with a mansard roof. On the exterior the ground floor will be brick , on the second floor will be stucco , the third floor will have the mansard roof.

Mr. Amicucci asked if the apartment on the first floor was the same size as the original.

Mr. Lachanaris said yes, approximately 572 sq.ft, the original apartment was 660 sq.ft.

Mr. Amicucci asked if the front yards are the same size as the old plan.

Mr. Hubschman said the distance to Milton St is 18', the distance to Broadway is 20'.

The original plan had the over-hang creating variances.

Mr. McLaughlin asked if the COAH apartment was the same as the Handicap apartment.

Mr. Lachanaris quoted the law that required the handicap unit to be on the ground level.

Mr. Moldt asked what size is the bathroom on the ground floor.

Mr. Lachanaris said 8' 8" by 6' 6".

Mr. Moldt asked if that would fit a 5' circle.

Mr. Lachanaris said yes it would.

There was a discussion between Mr. Moldt and Mr. Lachanaris regarding handicap requirements.

Ms Batistic said that there is a canopy over the front entrance. What is the distance between the canopy and the street.

Mr. Lachanaris said that the canopy is only 3' in depth..

Ms. Batistic said so the setback is still 17'.

Mr. Lachanaris said yes it is.

Mr. Lachanaris said that the balconies were eliminated in the new plan because of maintenance issues.

Mr. Hubschman said that because of the canopy the set-back to Broadway was 17'.

Mr. Moldt asked about the sq.ft of the units.

Mr. Lachanaris said 1200 sq.ft including the stairs.

Mr. Moldt asked about the old units.

Mr. Lachanaris said 850 sq.ft.

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

Mr. Bill Zally of 24 Milton was sworn in.

Mr. Zally read a prepared statement. He had approved the original plan. He is opposed to this application because it is not in the interest of the borough. Raising the height limit from 28' to 30' is a small amount, however it would set a precedence. Landowners could seek heights of 31', 32' and 33' where would the borough set the limits. Likewise for the 3rd floor, which has the same ramifications as previously stated. What would prevent him from raising his house, which is 22' to 30'. He requests the board to deny the application.

Joseph Diasparro of 20 Milton was sworn in.

Mr. Diasparro said that his concern was the drainage. What is the calculation for 12" pipe versus 15" pipe.

Mr. Amicucci said because of the water problem in the area, we asked that the 12" pipe be enlarged to 15".

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1182 Cao

20 Holly Lane

Block 198 Lots 4

The applicant was seeking the following variances in the R-10 Single Family Zone. He is requesting approval for a 2-story addition, a one story addition, a second floor addition, a covered porch addition, and a deck expansion.

	Required	Existing	Proposed	Variance Req'd
Side Yard Abutting/Lot	15 ft	14.55 ft		0.45 ft
Combined Side Yards	35 ft	33 ft		2 ft
Rear Yard Set Back	30 ft	26.25 ft		3.75 ft
Lot Frontage	100 ft	80 ft		20 ft
Bldg.Coverage %	20 %	18.53%	22.23%	2.23%
Lot Area	10,000 sq.ft	8000 sq.ft		2000 sq.ft

Mr. Guozhong Cao, applicant, was sworn in.

Mr. Chris Blake, architect, was sworn in.

Mr. Chris Blake testified that they were here for a 2nd story addition to a single family ranch house. They are proposing to add a 4' section to the front of the house, and an 8' section to a rear deck. The balance of the work is the 2nd floor. The 2nd floor will be straight up.

Mr. Blake reviewed the variances (see table above).

Mr. Blake said that they are proposing to continue a 10' wide deck. It is a simple deck with a wood railing..

Mr. Blake said that they are asking for a Building Coverage variance of 2.23%. One half of the Building Coverage variance is caused by the extension of the deck., the other half is caused by the extension of 4' to the front of the building. This will not reduce the front yard set back because the garage protrudes towards the street. The extension is not increasing the size of the house very much, but adds balance to the protruding garage. The rear deck addition is required to accommodate the sliding doors from the dining room. The first floor was reconfigured for a larger living / dining room / kitchen area.

Mr. Blake said that all the other zoning requirements are met. There is 27.5' to the garage and 32'-35' to the main house. There is a large front yard. On the right side yard there is 18.45'. We have the space around the house – it is not an oversized bulky building. It is a modest 4 bedroom house with a one car garage.

Mr. Cao testified that he has lived 9 years in Cresskill and intends to live here at least 10 more years. The children are growing up and they want a bigger house for the family.

Mr. Amicucci said that he has no problem with this application. There are other homes on the street with similar improvements.

Mr. Moldt reviewed the variances and said that there was only one new variance in the application.

Mr. Moldt said that he appreciates the way the plans and calculations are laid out.

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

Mr. Kassis made the motion to approve the application.

Mr. Moldt seconded.

The application was granted.

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1183 Goett

23 Emerson

Block 119 Lots 24-27

The applicant was seeking the following variances in the R-10 Single Family Zone for a 2-story addition..

	Required	Existing	Proposed	Variance Req'd
Side Yard Abutting/Lot	15 ft	12.3 ft		2.7 ft
Lot Frontage	100 ft	80 ft		20 ft
Lot Area	10,000 sq.ft	8000 sq.ft		2000 sq.ft
Rear Yard Set Back	30 ft	40.7 ft	20ft	10 ft

Proof of publication and mailing receipts were provided.

Mr. James Goett was sworn in.

Mr. Goett testified

Mr. Amicucci reviewed the amendment to the Letter of Denial from the Zoning Officer. The amendment included the Rear Yard Set Back variance of 10'. The deck that is being added was not on the application. The deck is 12' by 20'.

Mr. Goett explained the plans.

Mr. Moldt said the back of the house is not located with regard to the back property line, so the set back cannot be determined.

Mr. Goett said that the reason he is in front of the board is that he is continuing the existing side yard variance.

Mr. Moldt said that the reason you should be here is for the Rear Yard Set Back.

Mr. Goett said that the Rear Yard Set Back variance was an oversight.

Mr. Moldt said that there are enough dimensions on the plans to do the math.. The set back in back of the deck is 20.7' which makes the variance 9.3'.

Ms Westerfeld asked if the neighbors were notified of the change.

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

Mr. Amicucci said that they were not notified of the amendment.

Mr. Goett said that the deck is not crucial. If it is an issue, then the board need not approve it.

Mr. Amicucci said that 10' is too much. Looked at the other homes on the street, those with 2nd story additions do not have decks. What they do have is either a set of stairs or a walkway going down to a cement or stone patio. Approval for a patio would only be required if there was an Impervious Coverage variance.

Mr. Moldt said that according to the plan you would want to walk out of the dining room.

Mr. Goett agreed and said that the alternative would be a pressure treated staircase.

Mr. Moldt said that it looks like 5' from the first floor to the ground grade. A staircase straight down might prove a safety hazard and he might want to have a landing.

Mr. Amicucci said that he would approve a 3 ft landing.

Mr. Moldt said if we take the 8 ft off and provide him with up to 4 ft of landing, that would be 1.3' of variance for a 4' landing outside the dining room door. The landing will run straight across the back.

Mr. Goett said that he would accept that.

