

**Borough of Cresskill
Zoning Board of Adjustment
Minutes July 28, 2016**

Present: Ms. Furio, Mr McCord, Mr. Corona, Ms. Westerfeld, Mr. Merzel, Ms. Batistic,
Mr. Van Horne (Board Attorney), Ms. Bauer (recording secretary),

Absent: Mr. Kassis

The meeting was called to order at 8:02 pm.

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

Minutes of the June 23, 2016 meeting were approved.

Applications

1289 Ji Eun Lee and Ju Hyoung Kim 247 Jefferson Ave. Block 14 Lots 30

Description	Required	Existing	Proposed	Variance
Front Yard Set Back				
Side Yard Abutting/Lot	15 ft		7.5'	7.5'
Combined Side yards	35 ft		19.2'	15.8'
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR (variable)	30%			
Lot Frontage	100 ft	50'		TECH.
Lot Depth	100 ft			
Bldg Coverage %	20%		20.85%	.85%
Impervious Coverage (variable)	30%			
Height	28 ft			
Lot Area.	10,000 sq.ft	8207 sq.ft		TECH.
Driveway from Prop. line.	10'			

The applicants proposed to construct an addition to the above address.

Ms. Ji Eun Lee was sworn in.

Ms. Lee testified that her home has no mud-room nor master bedroom. They wish to add a mud-room at the front entrance and the master bedroom on part of garage.

Ms. Furio asked you are going straight up over what is existing now, or are you making it wider?

Ms. Lee said not wider. Just add the master bedroom, the part of the garages, and we want to add the mud-room entrance

Ms. Furio asked you are putting the master bedroom over what is now the existing garage ?

Ms. Lee said yes

Ms. Furio said you are not going out any further just over the existing garage ?

Ms. Lee said yes

Ms. Furio asked and the mud-room is going to be right inside the front door ?

Ms. Lee said outside the front door.

Ms. Furio said so you will be coming forward a few feet ?

Ms. Lee said yes

Ms. Furio asked how big is the mud-room ?

Ms. Furio said according to your plan the existing front door is 29.5' back, and it looks like what you are proposing to add will come out to 26'.

Ms. Furio corrected for the patio.

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1289 Ji Eun Lee and Ju Hyoung Kim (cont.) 247 Jefferson Ave. Block 14 Lots 30

Ms. Furio said so the distance to the curb is 29.5' - from the front of the mud-room to the property line.

Ms. Furio said the master bedroom is straight up over the garage and not coming out.

Ms. Furio said the variances you are asking for are already there. They are existing, you are not changing anything.

Ms. Lee agreed.

Mr. Merzel except Building Coverage.

Ms. Lee agreed.

Ms. Furio said in the back you are removing a Patio.

Ms. Lee said yes and the sidewalk.

Ms. Batistic asked are you putting the master bedroom on top of the car garage or just half .

Ms. Lee said just half.

Mr. Merzel asked the height of the addition over the garage will it match the height of the house now- the 2nd story roof of the house.

Ms. Lee said that she did not know, She did not talk to the architect about that.

Ms. Lee consulted her phone.

Ms. Lee said that it was a little lower than the 2nd story.

Ms. Furio asked if she was looking at her plans.

Ms. Lee said that she was.

Mr. Merzel asked do you have complete plans ?

Ms. Lee said yes.

Ms. Furio asked why don't we have copies ?

Ms. Lee said that she had submitted the site plans and the architect plans to the Building department at the end of June.

Ms. Bauer went into the office to look , but could not find any plans for the application.

Ms. Furio explained why the architect's plans were needed to understand the proposal.

Ms. Furio asked did you change the plans and submit them again ?

Ms. Lee said no.

Ms. Furio asked where are the plans which show what the house is going to look like ?

Ms. Lee said that she did not submit it because she thought only the site plan and the architect's plan were required. She was told that all documents that were needed were OK.

Mr. Corona pointed out that there was a reference to calculations made on the architect's plan.

There was a discussion between Ms. Batistic and Ms. Lee as to which drawings were made by the architect.

Mr. Merzel asked do you know the size of the patio in the back ?

Ms. Lee consulted the plans on her phone and said that she would have to call her architect.

Ms. Furio said to reiterate. You are putting a master bedroom over the front part of the garage,
you are removing the patio in the back,
you are removing the concrete walkway that goes around the back,
you are adding a mud-room to the front of the house

Ms. Lee agreed.

Ms. Furio asked is there anyone on the board have any questions or comments based on that information ?

Ms. Furio asked is there anyone in the audience for or against this application.

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1289 Ji Eun Lee and Ju Hyoung Kim (cont.) 247 Jefferson Ave. Block 14 Lots 30

Ms. Batistic made the motion to approve the application as presented with the stipulation that the proposed top of the roof of the addition not be higher than the existing roof and be within the requirement of 28’ and that the new Impervious Area will not be larger than the existing on the site. Based on the plan it seems that the existing Impervious will be reduced.

Mr. McCord seconded .

The Application was approved

1290 Louis Zimick 70 Park Ave Block 167 Lot 19.02

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25ft			
Side Yard Abutting/Lot	15 ft		8’	7’
Combined Side yards	35 ft		16’	19’
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR (variable)	39%		51.37%	12.37%
Lot Frontage	100 ft	50’		TECH
Lot Depth	100 ft			
Bldg Coverage %	20%		30.7%	10.7%
Impervious Coverage (variable)	35%		44.70%	9.70%
Height	28 ft			
Lot Area.	10,000 sq.ft	5000 sq.ft		TECH
Driveway from Prop. line.	10’			

The applicant proposes to construct a new single family home at the above address

The applicants **Louis Zimick and Elizabeth Reinemann** were sworn in.

Ms. Reinemann testified that my fiancée and I are here tonight to get your approval for variances for construction of our home. We are both life long residents of Cresskill. Our families are here tonight- they are also residents of the town. We were lucky to grow up here and we are the results of the great education system and the community. Which is why we would like to come back and raise our own family here. We are excited to re-join the community and have put forth a lot of time, money and research to present you with a thoughtfully designed home that will fit in with the characteristics of Park Ave and serve as our home for years to come.

Martin Santini, Architect and Planner, was sworn in and gave his credentials.

Mr. Santini presented photo exhibits marked A1 and A2, a colorized Site plan by Mike Hubschman marked A3 , detailed plan prepared by Mike Hubschman marked A4, and an architectural plan prepared by.. marked A5.

The existing condition of the lot is 50’ by 100’. Exhibit A1 shows existing houses in the area similar to kind of style that we are presenting. Exhibit A2 shows part of the wall, looking at the existing house that is at 62 Park Ave which is close to Rose St. There is a small house directly across the street from the subject property. It is similar in architectural character to what we are proposing, however the rooms in the interior of this house are really, really small. So what I would like to do is walk you through and to discuss and describe the variances for this particular project.

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1290 Louis Zimick (cont.) 70 Park Ave Block 167 Lot 19.02

On A3, Site plan by Mike Hubschman, the colored area is the subject property, the house is 34' in length by 45'. The house will be 2 ½ story residential structure. It will have a paved driveway, 20' wide. The house is set back 25' in the front yard and also 30' to the rear yard. The 2 side yards are 8' which require us to have a variance.....The property has been designed by Mike Hubschman to include a drainage pit- a storm-water collection pit-... The property to the east, number 74, is leased or rented out. Number 62 is on the corner of Rose St and Park Ave., the existing house is 16' from the property line. Our house is 8' from the property line creating 24' between the adjacent properties. The house on the other side is 6' away from the property line making 14' building to building. The driveway will accommodate 2 additional cars. Mike Hubschman did prepare the requirement of the Zoning Board as relates to Building Coverage calculation, also Impervious Coverage calculation, FAR calculations and ... height calculations. Sheet A4 is a control plan required for the building permit- this plan shows a couple of the trees that are existing and to be razed. It shows the seepage pit. A5 is the architectural plan. The house will have a basement, a 2 car garage, an entrance foyer, a half bath, a kitchen, a living-room and a stair that goes up to the second floor and a stair that goes down to the basement. The dimensions are 34' by 45'. The porch is set back by 5' and is 11' in width. The second floor consists of 3 bedrooms, a master bedroom, a master bath, a dressing area, a 2nd bath, 2 bedrooms and stairs to the 1st floor. The exterior renovations are maintenance free materials (*Mr. Santini described the exterior details*).

The right side elevation, which faces property number 62, will only have 2 windows on the 2nd floor- one in the master bedroom and one in the corridor. The deck is 10' by 14' at the rear of the house.

On the left elevation there will be no windows because the house is very close to the existing house so the persons living in the adjacent house will not feel imposed upon.

The maximum Building Coverage is 20%, we are at 30.7% which is exacerbated because it is a 5000 sq.ft house on a 5000 sq.ft lot. The set back is 25'. The minimum side yard requirement is 15' and we are at 8'. Combined side yards requirement is 35', we are at 16'. Maximum height is 28', we are at 28'. Maximum Floor Area Ratio under the sliding scale we are allowed 39%, we are at 51.3%.

The Impervious Coverage is 35%, we are at 44.7%.

These variances cannot be granted unless they can be granted without substantial detriment to the Zoning plan and ordinance.....there is no available land for purchase... there is undue hardship arising from a narrow lot in the R10 zone. The R10 zone has 10,000 sq.ft lots and we are at 5000 sq.ft.

(Mr. Santini reviewed/read the official guidelines under which variances may be granted.)

Mr. Corona said I built a house in Cresskill on a 50 by 100 lot five years ago. It's a modular home so its limited by the width of the boxes that are delivered. When I built my home, on the same size lot, I was able to comply with the FAR with no problem. I have a problem with this design, in particular the FAR. Partially, because I am on the board, I did not want to break the rules. Being a member of the board I understand what you are saying about the house across the street. In my home I have a very similar layout to what you have here. I don't have a dressing room (9' by 12 ½ '), I do have a laundry upstairs. I have a floor plan that works for me downstairs. I don't like the 2 car garage. I am wondering if there are any other houses on that street, within a couple of blocks, that have 2 garage doors in the front of their home.

Mr. Santini said yes, right across the street. There is another brick house its 34', with the same characteristics, that has 2 garage doors on a 60' lot. (*Mr. Santini showed a photo of the house A-6*).

Mr. Santini said that the rooms of the house across the street were very small.

Mr. Corona said the FAR is way above where I am comfortable. I think the house will be great But if you could make the FAR a little bit closer to what is allowable on that lot then I'll be a lot more satisfied.

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1290 Louis Zimick (cont.) 70 Park Ave Block 167 Lot 19.02

Mr. Santini said the FAR that's the 39% that's the sliding scale represents the requirement for the 10,000 sq.ft lot, we have a 5000 sq.ft lot.

Mr. Corona said I understand the criticism. My hang-up is the 2 garage doors.

Mr. Santini said the house is appropriately sized for that particular piece of property.

Ms. Batistic said the FAR is on a sliding scale based on the size of the property. If the lot were 10,000 sq.ft the FAR would be 30%. So it does allow for smaller lots.

Ms. Batistic said you mentioned that the lot was approved by the Planning Board. Do you know when the sub-division was approved ?

Mr. Zimick said the previous owners acquired the sub-division and we purchased it from them. We do have the sub-division Madison ? in our records but I don't know the dates off-hand. For the record the adjacent house is a two family- we bought that as an investment. There are no windows on that side of the house.

Ms. Batistic said you testified that the house fits with the neighboring houses. What is the size of this house compared to the two adjacent.

Mr. Zimick said 15% to 18% larger than the 2 houses

Ms. Batistic said looking at the layout, it is a modest house- the lot is small . The 3 bedrooms are fairly large, the bathroom is almost 13' by 9', the master bedroom is 20' wide. The rooms are big for today's standards. This size of rooms would be in a big house on a big lot. If you could tweak a little bit you could reduce the width and still have nice sized rooms and laundry room (maybe not 7'2" but maybe 6'2") and the hallway instead of 8'6" will be 6 ½ - 7'. You might be down to 45 to 46 FAR. The Impervious Coverage would come very close to the required. Its not a huge house but it is big for the lot.

Mr. Van Horne asked what is the side yard set-back right now ?

Mr. Santini said on the east side, the side yard of the existing house is 6'

Mr. Santini said considering the benefits of this application, it is a uniquely situated parcel of land, the adjacent buildings exist, and I believe that the house we are proposing is modest, yes it does have side yard requirements, and I believe that those variances could be granted by this board.

Ms. Furio said I am in agreement with other two members opinion that there is the possibility of making a 4th bedroom in the basement.

Mr. Santini said that the basement would not be used for living environment it is specifically mechanical and storage.

Ms. Furio said, as Margita was saying, there is lots of elbow room. Creating side yards right off the bat that are so wide. There is room to pull them in. I know no one wants to make it smaller. But the size of the property, the sliding scales are there to accommodate as much as possible. It is taking up a lot more of the room than I think is necessary. Which causes the FAR to be way over the scale. We have agreed to some FARs that are above the percentages that we are comfortable with. We have 6 (members present) you need five affirmatives.

Mr. Merzel asked why don't you have the left side elevation picture here ?

Mr. Santini explained he could not fit it on the page.

Ms. Furio said is there anyone in the audience with questions or comments ?

Robert Reinemann was sworn in.

Mr Reinemann said that he appreciates the obligation you have in your role. We are happy in this town, and happy with the prospect of our children moving into this town. We know that Park Ave is a street with smaller homes and plots. We would like to encourage you to accommodate this request, so that a family home can be built to stay for the long term.

Mr. Am? Zimick was sworn in.

1290 Louis Zimick (cont.) 70 Park Ave Block 167 Lot 19.02

Mr. Zimick said that number 1, the house would fit in the neighborhood. Number 2, there is not one neighbor in the area that is coming out and complaining about it. Since there is no opposition, he hopes that the board will change its mind.

Ms Furio said we can listen to you both fathers because you are here to speak; but we can't make up what we are not hearing- whether they are for or against.

Mr. Louis Zimick *spoke at length. He thanked everyone on the project including the board. He described the effort that went in to produce the plans. He said that they were not builders trying to maximize profits. They are a young couple. They chose 3 bedrooms in the event that they had 3 or 4 kids- they could share a bedroom if the room was large.. They are not building a starter home but one for the future. Please consider this a special case.*

Ms. Batistic said that the height is at 28' max.. If approved, there will have to be an 'as-built' showing... We had a situation before that the plans showed the max and they built above. and had to come before the board seeking another variance. I have a question regarding this corner elevation in front of 55 and the first one being 66. Isn't there something that requires at least 1.5' above the ground ?

Mr. Santini said at least 7.6 as a habitable space. That's the minimum requirement for a habitable space.

Ms. Batistic and Mr. Santini discussed the grade numbers on the plan.

Mr. Santini said I can guarantee you that we will not exceed the height of 28'.

Ms. Batistic said you are showing 4 risers in the front.

Ms. Furio said based on some of the questions and some of the feelings that you are sensing from the board: the width, the FAR, you need 5 affirmative votes... do you want to confer with your client, if there is anything they might want to do to amend the plan. We could do a couple of things: vote now as is, and if you don't get the 5 affirmatives you have to start all over. You can amend and come back with a new set of plans next month- you would not have to re-notice.

Mr. Santini, Louis Zimick and Elizabeth Reinemann left the courtroom to confer.

Mr. Santini said that they would like to carry this and come back next month with an amended plan. They had discussed it, and would like to come up with a slightly modified plan to help eliminate the FAR. I suggested a 32' wide house, modulating with construction material. I would like to come back with a sketch plan. I am not going to bring new engineering documents. I will come with architectural Plans.

Mr. Merzel recommended viewing homes on Monroe, built on 50' by 100' lots, with 2 car garages.

Mr. Santini thanked the Board.

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Memorializations

1267 Beatriz C. Nunez-Moscarella 182 7th St. Block 35 Lots 245, 246

The applicant was granted the following variances to construct an addition to her house.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25ft	6.5'		18.5 ft
Side Yard Abutting/Lot	15 ft	0.5 ft		14.5 ft
Combined Side yards	35 ft	19.7'	5.7'	29.3'
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR (variable)	39%	32.8%	43.7%	4.7%
Lot Frontage	100 ft	50'		TECH.
Lot Depth	100 ft			
Bldg Coverage %	20%	30.1%	33.9%	13.9%
Impervious Coverage (variable)	35%	53.4 %	55%	20%
Height	28 ft			
Lot Area.	10,000 sq.ft	5000 sq.ft		TECH.
Driveway from Prop. line.	10'			

Note the above figures correspond to the testimony in the minutes, not to the Agenda.

The application has been carried since July 2015

The plans for #1267 were **not** stamped and signed by the Zoning Board executive. Instead the following note was attached to the plans to alert the Building Dept. that the applicant must submit revised plans:

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Zoning Board of Adjustment docket # 1267
182 Seventh Street, Block 35 Lots 245-246

The attached plans were submitted with the application that was heard at the June 23, 2016 meeting of the ZBOA.

The plans was not approved by the ZBOA; and should not be used to grant a permit.

According to the Resolution for docket # 1267, the applicant must submit revised plans with the following amendments to the application:

- reduction in the width of the driveway;**
- realignment of the garage;**
- inclusion of a seepage pit;**
- relocation of the patio to next to the house and the walkways removed.**

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Memorializations (Cont.)

1285 Maayan Gottesman 40 Mountain View Rd Block 1.03 Lots 10

The applicant were granted the following variances to construct a two story addition to the existing one story house.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'			
Side Yard Abutting/Lot	15'	9.7'	10'	5'
Combined Side yards	35'	22.78'	23'	12'
Rear Yard Set Back	30'			
Max. Livable Fl.Area FAR	34.68%	9.92%	39.37%	4.69%.
Lot Frontage	100'	78.24'		21.76'
Lot Depth	100'	131.74'		
Bldg Coverage %	20%	16.43%	23.49%	3.49%
Impervious Coverage	32.6%	23.96%	34.3%.	1.7 %
Height	28'			
Lot Area.	10,000 sq.ft	9694 sq.ft		306sq.ft
Driveway from Prop. line.	10'			

Note the above figures correspond to the testimony in the minutes, not to the Agenda.

1287 Norberto Szwerdszarf Rotman & Lehavit Lapid 20 Evans Rd Block 202 Lot 5

The applicants were granted the following variances to construct an addition to their garage, and an add-a-level to the house.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25ft	26'	26'	
Side Yard Abutting/Lot	15 ft		10.2'	4.8 '
Combined Side yards	35 ft		27.2'	7.8'
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR (variable)	39%			
Lot Frontage	100 ft	90.5'	90.5'	TECH
Lot Depth	100 ft			
Bldg Coverage %	20%		20.6%	.6%
Impervious Coverage (variable)	35%			
Height	28 ft			
Lot Area.	10,000 sq.ft	9432 sq.ft	9432 sq.ft	TECH
Driveway from Prop. line.	10'			

