Present: Ms. Furio, Mr. Kassis, Mr McCord, Mr. Corona, Ms. Westerfeld, Mr. Merzel, Ms. Batistic Mr. Van Horne (Board Attorney), Ms. Bauer (recording secretary),
Absent
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 May 26, 2016 meeting were approved.

Applications

The applicant for # 1267 agreed with Mr. David Watkins that application # 1285 be heard first.

1285 Maayan Gottesman 40 Mountain View Rd Block 1.03 Lots 10

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.
The applicant proposes to construct a two story addition to the existing one story house.

Mr. David Watkins , attorney, thanked the applicants of # 1267 for their courtesy in allowing #1285 to precede.
Mr. David Watkins introduced himself to the board.
Mr. David Watkins said that the applicant's property was on the same street as her father's. The applicants have 2 children. They wish to remain in the town. This is not a house that they are building to sell. Avi built the house 2 down- the board granted variances. The house does fit into the area.
Mr. Kassis said I believe I can be impartial in this matter, but I currently reside across the street from Avi. I don't believe I need to recuse myself unless there is an objection.
Mr. David Watkins said I have been before this board and trust your integrity. My answer is No- Avi are you OK with that ?
Avi Lavon agreed.
Mr. Merzel said he wishes to recuse himself because he has done business with Avi Lavon.
Mr. Van Horne asked if the applicant had any objections to the board member.
Mr. Avi Lavon was sworn in.
Mr. Van Horne asked Mr. Lavon have you had done business with Mr. Merzel ?

1285 Maayan Gottesman (cont) 40 Mountain View Rd Block 1.03 Lots 10

Mr. Lavon said a little bit…..
Mr. Merzel said we had a contract in the works but it fell apart in the middle. I would prefer to recuse myself.
Ms, Furio sai**d** we have 6 members (active).
Mr. Watkins said he is representing the applicant. I have 2 witnesses Mark Martins who will testify on site details and Roger Dimshell (?) will take care of the one 'D' variance that we need, the Floor Area Ratio. The house was built in the fifties, they are going to put an addition on the house. The side yards are existing. They are going up. The distance between both houses to the left and to the right will stay the same. Avi built the house to the left. This is an area that is not encompassed with 1950's houses anymore.
Mr. Mark Martins, civil engineer, was sworn in and gave his credentials.
Mr. Martins presented Site Plan dated 3/29/2015 marked A-1. He has prepared this plan. Currently the house is 1 ½ story frame structure, built in the fifties, Situated on the eastern side of Mountain view road. It is slightly non-conforming. Located in zone R-10, which requires lot area of 10,000 sq.ft. We have a lot area of 9694 sq.ft.
Mr. Watkins asked would there be any ability for the applicant to acquire any contiguous property to make this comply to the area requirements ?
Mr. Martins said no, both properties are also deficient in lot width.
Mr. Martins said the existing house is deficient in terms of side yard set backs on the northerly and southerly sides of the property. On the North side the set-back is 13', which will remain the same. On the southern side the existing set-back is 9.7'. The frontage requirements are 100' and we have 78.24'. We are conforming in lot depth, the requirement is 100' and the existing is 131.74'**.**
Mr. Watkins asked the variances that currently exist on site, with what we are proposing, are we increasing those deficiencies ?
Mr. Martins said right now there is an existing uncovered porch at the front of the structure. The current front-yard set-back is 28.6'. We are proposing to cover the front porch, create a new entry, which will have a set-back of 25.8'. It has a roof and columns.
Mr. Martins pointed out the additions to the house as shown on the plan. On the front right side square off the building. The bulk of the addition is at the back of the house. The rear yard set-back requirement is 30' and we are proposing 55.4'.
Mr. Watkins said you have spoken to the applicants, and they have said that they will reside in the property
Mr. Martins said yes.
Mr. Martins said in regard to drainage, the lot is generally flat in the front and then falls down towards the rear of the property. Currently there are no drainage improvements whatsoever. We are proposing to add a seepage pit - roof drainage will be directed into the seepage pit.
Mr. Watkins said we would agree, to any reasonable request from the borough engineer, if we build this, if it requires some reasonable modification in drainage.
Mr. Martins said of course.
Mr. Watkins asked what we are proposing does it adequately protect the surrounding properties from drainage ?
Mr. Martins said yes it does.
Mr. Watkins asked and it is not a positive impact because there is no drainage from the (?) site
Mr. Martins said yes it will.
Mr. Martins said with the addition we are increasing the Building Coverage percentage, the FAR percentage, and Impervious Area percentage.

1285 Maayan Gottesman (cont.) 40 Mountain View Rd Block 1.03 Lots 10

Mr. Watkins asked how the house would fit into the rest of the neighborhood ?
Mr. Martins said it fits in very well with the current development of the neighborhood, where all the houses are being replaced or renovated, and basically modernized up to the current standards .
Mr. Martins said the variances are : Building Coverage maximum requirement is 17%, proposed is 23.49%. There is a 2 car garage which adds to the usable space but is almost a necessity these days. The garage allows for parking space in front for guests to the house. Without the 2 car garage we would be closer to the required Building Coverage.
Mr. Watkins said it's the applicant's opinion that that is something that is appropriate to today's date and age and would big traffic needs that currently exist.
Mr. Martins said correct. We also need an FAR variance, the requirement is 34.68%, we are proposing 37.45%
Mr. Van Horne requested of Mr. Martins to repeat the figures
Mr. Martins said the requirement is 34.68%, we are proposing 37.45%
Ms. Furio said that the area is based on the first 125' not the entire length.
There was a discussion between Mr. Martins and the board as to the calculation of the FAR. Mr. Martins claimed that the lot was slightly irregular.
Mr. Van Horne said the allowed is 33.78%
Mr. Martins said the revised is 39.37% based on 125' depth. The variance is 4.6 %
Ms. Furio said the FAR variance is 4.6%.
Mr. Martins said correct. The Impervious requirement is 32.6% and we are proposing 34.3%. Variance of 1.7%. The improvements we are proposing will handle the increased impervious areas.
Mr. Watkins asked how will it impact the neighborhood from a sight stand-point. Do you see any negative impact on the neighbors and the surrounding area.
Mr. Martins said in fact it's a better plan than what currently exists.
Mr, Martins said on the left side of the house- the north side- there is a 2 story house approximately 23' from the property line. Our property is 13' from the property line. Total of 36', the ordinance requires 35'.
Mr. Watkins said that the Side Yard variance has no impact on light, air and space.
Mr, Martins said on the right side, the house is 13' from the property line, that is existing. Our proposed set-back is approximately 9. 9.
Mr. Watkins said we are not going to exacerbate current conditions.
Mr. Martins said correct. We are improving it slightly because existing set-back to the garage is 9.7'. The proposed set-back is 9.9'
Ms. Furio said please repeat what you just said. You are taking off part of the back ?
Mr. Martins *explained his statement.*
Roger DeNiscia, Professional Planner, was sworn in and gave his credentials.
Mr. DeNiscia testified that he had reviewed the application, He understands that the application is to reconstruct an existing single family dwelling. There are certain Bulk variances that are required to be approved. I have inspected the site and the area, and reviewed the zoning ordinances.
Mr. DeNiscia *presented 4 photos and a map to the board.*
Mr. DeNiscia *described the property and location as shown on the photos and map.*
Mr. DeNiscia said the house was built circa 1950. The house to the left is a 2 story house with a much larger footprint, it may have been constructed in the 70's. The house on the right is a 2 story house with a much larger footprint and is recently constructed. Across the street there are a variety of houses.
Mr. DeNiscia *described some newer houses as shown on photo #4. One was substantially larger.*

1285 Maayan Gottesman (cont.) 40 Mountain View Rd Block 1.03 Lots 10

Mr. Watkins said that Avi Lavon had obtained variances from this board to construct a house two houses down to the right. I am saying this just to point out that variances have been granted in this area.

Mr. DeNiscia said 1) the house at one time did not have a garage. The garage ends with a shed in the back and then a back entrance. The garage which is not there anymore, seems to have been enclosed. There is no garage at present.

2) the house is not in prime condition. If compared to other houses in the neighborhood, the house has not been up-dated nor modernized. It is not maintained to the same level of the other houses in the neighborhood.

Mr. DeNiscia said the applicant proposes to re-develop the entire site.

Mr. DeNiscia said the house would be upgraded and modernized to be completely up to date.

The existing living space of the house is an existing functional deficiency. The new variances as a result of this application would be the Building Coverage which would increase to 23.49% where 20% is allowed. Part of the reason for the increase is the 2 car garage. The proposed FAR is 37.5% where 34.68% is allowed. So it is slightly larger. The 3rd variance is Impervious Coverage where 34.3% is permitted, the application is 37.6 %.. Getting back to the FAR, when I looked at the ordinance I saw the sliding scale and the definition of FAR. I also saw something about 125'. This did not relate to any specific provision. So what I did, I looked at the definition of the ordinance and the land Use Bill. The definition in the ordinance and the Land Use Bill are consistent. The Floor Area Ratio is defined as the total gross floor area of all the building on each story of the site. Has nothing to do with how to measure it, that's it, compared to the total lot area not part of the lot area. Now the borough definition is exactly the same. When I looked at this provision I could not figure out where it goes, how do you measure the 125 and where do we say that its enough. So in my opinion, the actual variance is based upon the definition in the ordinance and the Land Use Law……..Under the Land Use Law, under Section 70 C2, the board is able to approve all the variances, if the benefits of granting those variances outweigh any substantial Zoning (exceptions?). However within that, the courts have made some ruling on certain dimensional type bulk variances. One of those is Floor Area Variance. There is an additional provision and that is under the decision of the Randolf Town Center case. We are looking at a variance under C2 Section 70, where the benefits outweigh the detriment and within that justification. To establish that the court has to find that there are some planning benefits that are associated with the application. Here we have substantial bundle of quality benefits . In addition to the new building and 2nd story that is being upgraded, modernization, current design, better living space, there is 2 car drive way access. Instead of asphalt this driveway will have pavers, which becomes a positive visual. In addition to that there is storm water management. Right now the high point of the site is in the front and the low point is in the back. *The proposed storm water system* captures all of the storm run-off from the hard surfaces and collects and retains them. So it substantially improves the drainage on the site. The size of the building is adequate for a growing family but it exceeds the deficient (962 ?) that exists on the site now. If we look at the master Plan for guidance on this, there are 2 goals of the Master Plan which will show that all of these proposals preserve and enhance the residential character of the community in terms that are beneficial as to what the application proposes.. The 2nd goal is to maintain the predominant medium density residential fabric of the Borough while simultaneously continuing to permit a more varied housing supply to accommodate a broad range of the population including small young families, individuals and growing families.

Mr. Watkins asked the fact that the applicant currently lives in Cresskill and wants to reside here. Does that have a positive impact?

1285 Maayan Gottesman (cont.) 40 Mountain View Rd Block 1.03 Lots 10

Mr. DeNiscia said certainly because home ownership is the most important factor in neighborhood stability. That is what the Master Plan intended. So considering the fact that there are significant benefits, in my opinion, they are directly advancing the purposes of planning under the Land Use Law under section 2 and specifically those purposes under paragraphs a, b. c. g, h and i .

Mr. Watkins asked ……..

Mr. DeNiscia said there is a secondary FAR justification set of criteria. Under the Randolf town Center decision the (?) decided that in order to gentrify the FAR, the applicant needs to demonstrate that the proposal is able to accommodate, with no problems associated. Certainly, this application is mitigating a whole set of problems on the site. But those things that could result from excessive FAR: parking, adequate site empty space, and sewer / water management. In each of these we are seeing that the aspects of the proposal are mitigating these conditions which potentially could have negative impact as a result of this application. In my opinion, all the impacts will be positive. Certainly the deteriorating condition of the building will be eliminated. The goals of the Master Plan will be met in providing housing for a growing family. The visual appearance and aesthetics of the site and the street space will be substantially improved. Parking will be provided. Drainage conditions for the site and the neighborhood will be improved. Available light, air and visual reference space will not be diminished for the site and its neighbors. The fact that we have various provisions that exceed the respective requirements, is in my opinion unbalanced…….

Mr. Kassis said that he had received an Emergency Fire Dept. call. He excused himself and left the room.

Ms. Furio said we do not have a drawing of the view of the home. It seems that you are planning on replacing the house.

Mr. Watkins said it is an addition to the house, we are not replacing it. I unequivocally note that it is an addition.

Mr. McCord said I do not understand the hardship here. Why can't you just cut a couple of feet off of the main addition ?

Mr. DeNiscia said thats 2 questions. First, the applicant is not presenting a hardship. The applicant is using an alternative variance approval process which is under paragraph C2. In that case the applicant has to show that there are benefits associated with the deviations; and those benefits outweigh any substantial detriments.

Mr. Watkins said C2 permits us to make a very cogent argument by the applicant. One thing I will say, with Mr. Van Horne's permission, that in order to get the five grants -that I need the 5 votes.

Mr. Van Horne said yes, you do. The applicant also has to share. Mr. DeNiscia testified that the applicant must share the decision that will culminate this problem associated with a Floor Area larger than permitted by the ordinance, in addition to the benefits out weighing the detriments.

Mr. Watkins said if I may, the testimony that was introduced by Mr. DeNiscia, clearly spoke, again we have a small piece of house on a lot where everything in the neighborhood is changing. The drainage that we are putting, in and of itself, without the other improvements, far exceeds the requirements that are necessary for a C2 – just the drainage alone. Now there is a shack, small house from the fifties. Look at the neighborhood, where you've already approved variances for other houses on the block. We need 5 votes, if I win only 4, I have lost.

Ms. Westerfeld asked could you tell me the size of the first addition

Mr. Martins said the main addition in the back, will come off about 25' off the back of the house and is 37' 7" wide. It is approximately 1000 sq.ft additional foot-print added.

Mr. Kassis said the question previously posed regarding eliminating 2 linear feet from the addition. How would that affect your percentage for your variance.

Mr. Martins said two linear feet off of the back or the sides.

1285 Maayan Gottesman (cont.) 40 Mountain View Rd Block 1.03 Lots 10

Mr. Martins did the calculation
Mr. Martins said that the 70 sq.feet difference would be less than 1%.
Mr. Martins said that this would be a 'de minimus' change. I don't think that you could really see the difference between that decrease in the foot-print and what we are proposing.
Mr. Watkins said does the 2 feet made a difference to the board between a yes and a no. Certainly could not have the application. I think the 'prust- dues ?' would substantiate what we are proposing. However if we took 2' off would it ruin the night, no. So I suspect that we could do that, if that is something that would be amenable to the board. That would be the difference between the 5 affirmative votes and not having them. Taking 70 sq.ft from the addition- could we do that. Yes, we can.
Mr. McCord asked how many feet would it take to bring it into compliance ?
Mr. Martins said a lot. Over 100 sq.ft.
Mr. Kassis said its 2 floors. It is a 2 story addition. So its 37 times 2, so it would actually be 37 times 4. With that calculation would 2 feet make a difference ?
Mr. Martins said that would decrease it by 1 ½ %
Mr. Watkins said if the board approved this subject to 2 measured foot be removed from the rear, I certainly will be going to superior court …. I don't think it matters at all- its up to you.
Ms. Westerfeld asked can you tell me of the change in coverage with the new driveway and the new patio, and if there is anyway to reduce either of those.
Mr. Martins said we have an existing Impervious Coverage of approximately 1323' We are increasing this by about 1000sq.ft. The patio in back is 14' by 18', its not a large area. The driveway area where we would like to have a 2 car width driveway, which is the current modern standard.
Ms. Westerfeld asked what is the driveway now ?
Mr. Martins said right now it is a single car driveway 10' (?) wide, we are enlarging it to 21'. There is a 2 car garage with a 2 car driveway.
Ms. Batistic asked when you did the calculation for the FAR did you have an architectural plan **?**
Mr. Martins said yes he did.
Ms. Batistic asked if the architectural plan was submitted to the board ? I do not have it in my pack. The reason that I am asking is that recently we have had a situation, where the board approved a site plan, the architectural showed a height of 28', when it was built it was way more. Based on your calculation for the height, the roof is going to be 4 to 12. I am concerned about the statics. 3 to 12 is considered flat roof.
Mr. Martins said there was an architect. The roof elevation- the roof peaked, based on his plans (calculated from the average grade) at just under 28'**.**
Mr. Watkins said if the board approves the application and Mr. Van Horne makes it subject to us submitting an architectural plan to ensure that we comply with what variance we are requesting, I have absolutely no objection.
Ms. Furio asked do you happen to have a copy with you ?
Mr. Martins presented a copy of the Architectural plan (marked A-3).
Mr. Chris Blake (architect) was sworn in.
Mr. Blake *described the elevations shown in the architectural plan (A-3).*
Mr. Blake *confirmed that the height was 27.5',*
Mr. Blake *described the exterior of the house.*
Ms. Batistic asked you will have 9' ceiling on the 1st floor and 8' ceiling on the 2nd floor.
Mr. Blake agreed.
Ms. Batistic asked what is the pitch of the roof.
Mr. Blake said 4 and 12.

1285 Maayan Gottesman (cont.) 40 Mountain View Rd Block 1.03 Lots 10

Ms. Westerfeld asked how many bedrooms are you putting in ?
Mr. Blake said 4 bedrooms on the 2nd floor and one in the basement.
Mr. Kassis asked what are the dimensions of the Great Room ?
Mr. Blake said 21'1" by 19'9". First floor has a living-room, dining-room, family-room and a kitchen.
Mr. Watkins asked if removing 2' from the rear of the addition would have an architectural impact ?
Mr. Blake said obviously it would have an impact, but I don't think that the house would be unlivable / uninhabitable because of that. It would have an impact but it could be done.
Mr. Corona said I don't question what is going to go in front of the car in the garage. Is that existing?
Mr. Blake *explained that he was building the garage out towards the street.*
Ms Furio asked does anyone in the audience for or against the application as presented.
Ms Furio asked does anyone on the board have any further questions regarding the application as submitted.
Ms Furio asked would someone like to make a motion to approve or deny the application.
Mr. Kassis said the application as submitted needs two motions.
Mr. Van Horne said vote on the FAR first. We do not have to vote on the C's if the FAR is denied.
Ms. Furio said for the FAR as presented do I hear a motion to approve or deny.
Mr. Kassis said I make a motion to deny.
Ms. Furio said do I hear a 2nd to deny ?
Ms. Furio said the FAR as stated is 33.78% which gives a variance of 4.6 %. This does not include the discussion of the 2 linear feet off the back. If we take 2 linear feet off the back which would reduce it to a 3.1% variance**.**
Mr. Watkins said if the board were inclined to approve the application subject to removal of 2 linear foot in the rear we would accept that deviation and amend the application accordingly.
Ms. Furio asked do you want to make a motion minus the 2 linear feet ?
Mr. Kassis said unless my motion is seconded, my motion fails. Someone would need to make a motion to reduce it by 1, 2, 3, 5, whatever they feel is appropriate.
Mr. Van Horne said the applicants are willing to accept 2' not 3' nor 5'.
Mr. McCord made the motion to approve with the 2 linear feet reduction.
Ms. Westerfeld seconded.

The motion to approve the FAR was granted.
.
Ms. Furio said now we will go with the rest. The variances which we have on the table. Will someone make a motion to approve or deny the rest of the variances that are on the table.
Mr. Kassis made the motion
Mr. Corona seconded.
Ms. Batistic said yes, but that she wants to emphasize the building cannot be higher than on the plan.

The motion to approve the other variances was granted.

CONTINUED ON NEXT PAGE

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

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 applicant proposes to construct an addition to her house.
The application has been carried since July 2015

Mr. Michael Kates, attorney, introduced himself as representing the applicants.
Mr. Kates testified that the applicants had lived in Cresskill for 11 years. Their family is growing. The property is significantly undersized. The application is to upgrade the home.
Mr. Kates introduced Mike Hubschman,.
Mr. Mike Hubschman was sworn in. He is a licensed Engineer and Planner in the state of N.J.
Mr. Hubschman presented a colorized plot-plan (marked A-1).
Mr. Hubschman testified that the plot plan was dated 5/11/2016.
The members of the board had copies of the Plot Plan.
Mr. Hubschman said its an existing 50' by 100' lot. Its located on the easternly side of 7th St. Existing on the site is a one and two story. The 2 story portion is in the back. Existing 3 bedrooms. One bedroom on the first floor and 2 very small bedrooms upstairs- less that 10' by 10'. What they are proposing is to renovate the entire (*Mr. Hubschman used the plan to describe the proposal*). There is an existing detached 2 car garage. The plan is to remove the detached garage, construct a new one car garage and a small (shed?) where that deck is. There is a total of 390 sq.ft of foot-print additions. The 2nd floor is being widened for about 14' to 24' width. The existing lot line on the North . the eastern building is about ½ foot off that lot line. The proposed 2nd story addition is supposed to be 3 more feet in- 3,5' from that lot line. The existing garage is 2.5' off. Its an accessory structure. We are proposing to move that to about 5.2' off that northerly line and we will be connecting that. The existing driveway pitches down towards that garage, so the grounds are a little wider than the 10' by 20' garage because there is some stairs (if you look at the architectural plan) because the garage is about 4' lower than that 1st floor. They get a lot of water in the garage. The recommendation is to put a seepage or a grey seepage pit in the back so that would be something thats not shown on the plan. We saw a lot of water running down to the garage.
Mr. Kates said we wanted to mark 3 photographs down-loaded by me on Google ap.. I'll ask you to identify as I do that as Exhibit A-2, Exhibit A-3, and Exhibit A-4.

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

Mr. Hubschman said Exhibit A-2 shows the existing driveway on the right, existing 2 story element of the house, the driveway basically on the property line, there's over about 10' to that adjoining house to the right which is a 2 story raise ranch.

Mr. Hubschman said Exhibit A-3 shows the house to the left or to the North. Directly north of our house . We are adding that 2nd story a little closer but it will be no detriment because of that driveway there. The other house is located about 12' off the property line. That's a 50' lot. There are three 50' lots in a row. I have the area map. Two 50' in a row going from south to the north.

Mr. Hubschman said Exhibit A-4 is a 50' lot across the street. The driveway on the right along the property line.

Mr. Hubschman said Exhibit A-5 shows the neighborhood St Therese is over on the left side. We are on 7th St. There is a mix of 50' and 75' lots in the neighborhood.

*Mr***. *Hubschman** pointed out the 50' lots in the neighborhood. This is an old sub-division with older homes.*

Mr. Hubschman said existing deficiencies are noted on the schedule. Existing lot width is 50', 100' is required in the R-10 zone, existing area is 5000 sq.ft where 10,000 is the minimum required, Front Yard we're 6 ½ ft where 25 is required, the left side-yard is half a foot where 15' is required, the existing house is over in Building Coverage 20% required, 30.1% existing and Impervious Coverage is 35 % required, 53.4 % existing. The house was built in the 1950's. This area was sub-divided into 25' lots.

Mr. Kates said lets review the new variances generated by this proposal.

Mr. Hubschman said …new variances. We are requesting a Side-Yard variance- there is a 5.2' on the right Side Yard. The existing garage is 1' to 2' off the line. So pushing that garage (it's a one story structure), we are actually enhancing what's there. On the architectural plan you can see the very low one story garage structure on the southern side. Building Coverage the existing is 30.1%, we are requesting 33.9%. That is because of the additional width required in the garage because of the change in the grade, and we are adding a small addition. The existing Building Coverage is 1505 sq.ft we are requesting 1695 sq.ft. So its 190 sq.ft additional coverage.

***Mr. Hubschman** explained how the addition squares up the 2nd story addition.*

Mr. Hubschman said the FAR requires 39 % on the sliding scale. We are allowed 1950 sq.ft we are at 2185 sq.ft. we are 235 sq.ft over. This is a very modest sized house. It is 0.7%.

Mr. Hubschman said we recalculated the Impervious Coverage there is a slight increase of 165 sq.ft of whats existing. The existing was 2670, the proposed is 2835. We're adding the small patio in the rear.

Mr. Kates said for the Semi-Dry 35% is allowed.

Mr. Hubschman said right

Mr. Kates said and existing is 53.4

Mr. Hubschman said yes

Mr. Kates said we are going to go up to 56%

Mr. Hubschman said 90% is from the patio proposed in the rear.

Mr. Kates asked is it possible to reduce the size of that patio ?

Mr. Hubschman said the patio and walk is 144 sq.ft., and we are over what's existing by 160 sq.ft By moving the garage over by 3' or so there is excess driveway that could also be reduced by a couple of feet about 80 sq.ft., 1.6% reduction in Impervious Coverage- that would bring us down to 55%, slightly over what is existing.

Mr. Kates asked do you recommend that?

Mr. Hubschman said it could be done, it should be…

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

Mr. Hubschman said there is about 10' between- that is a 75' lot on the right. We are about 16' now, we could actually park 2 cars side by side in the driveway.
Mr. Kates said lets focus on the FAR. Talk about the formula that we have and how you see it as a justifiable variance.
Mr. Hubschman said it's a 'D' variance, the applicant must show that the site can accommodate the problems associated with the larger Floor Area Ratio. We are 235 sq.ft over. There is 110 sq.ft on each floor. It's a very small request. Its 2185 sq.ft house over all. Here we are not creating a MacMansion. We are setting back the sides. A one story car addition. So there is really no bulk element to that. To identify another detriment for FAR would be why there are no open space . The one story element with driveway on each side so we are not creating any detriment to the light, air and open space.
Mr. Kates said you are setting back the 2nd floor addition on the rear side of the property
Mr. Hubschman said its set back and we are actually increasing the light, air and open space on that right side by the one story garage. We have a 1950 sq.ft house and we are dealing with the existing configuration.
Mr. Hubschman said drainage there is a slight increase and Impervious- we are going to add a Seepage pit in the rear.
Mr. Kates said you will add a Seepage pit to control drainage.
Mr. Hubschman said right. They need it, the driveway pitches right towards the garage.
Mr. Kates said that the Seepage pit is part of storm water management control … As part of the approval, locate the Seepage Pit, decrease the driveway, and reduce the Patio.
Mr. Hubschman said we are 165 sq.ft in excess. By removing the excess driveway and the patio shrunk down, you could have no net increase in Impervious on the site.
Mr. Kates asked are there any adverse effects in exceeding the FAR.
Mr. Hubschman said no, we are creating more light, air, and open space. There is no effect on the neighbor to the south (the garage is being pushed away) and on the north there is a driveway that house is set 10' – 15' away.
Mr. Hubschman said we are removing 175 sq.ft and adding 390 sq.ft for a net increase of 215 sq.ft, there is a slight decrease in the patio so its 190 sq.ft.
Mr. Kates said tell me about the C- Variances
Mr. Hubschman said the C- variances have to do with the undersized nature of the site. There is a criteria in the hardship- it's an extra-ordinary and exceptional situation immediately effecting not just the lot but the structures lawfully existing thereon. That's an exceptional situation when the house, the lot, the front-yard, the side-yards….
Mr. Kates said its not just the lot, it's the structure . If the structure is deficient, it's a justifiable variance.
Mr. Hubschman said yes it is. When the structure itself and the habitability is deficient. The location is also deficient on the lot- its position.
Mr. Kates asked bottom line, in your opinion, is the proposed development application justified under the criteria you proposed ? Both the positive and negative criteria.
Mr. Hubschman said yes, it's a little over 2000 sq.ft house. We are deleting some of the detriments by pushing the garage in.
Mr. Kates said how about the neighborhood itself.
Mr. Hubschman said there are 50' lots, and I did get some tax records. The sizes of the houses from the tax records. Number 190 which is a couple of houses down, is 1846 sq.ft. The house next door is only one story is 1302, the house to the right is 2088 sq.ft. We are 2185, so we are in keeping with the floor area of those other homes on the smaller lots.

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

Mr. Kates asked is it not a fact, from the topographical stand point, this slide is unusual in that the neighbors on both sides are set back because of a driveway ? It's the neighbor's driveway off-setting the neighbor's house between the 2 properties.
Mr. Hubschman agreed.
Mr. Kates said we are respecting them by not building 2nd story at that line, we are backing up 3 feet.
Mr. Hubschman said we are backing it up 3' and there is an existing 2nd story there.
Mr. Edward Chudzinski, Licensed Architect, was sworn in and gave his credentials.
Mr. Chudzinski testified the 1st floor plan of the original house. There are very small rooms ; living room, dining room, kitchen and 2 bathrooms. The stair well that was there was very narrow and not to code. We opened up the 1st floor. We closed off the existing deck to square off the house.
We shifted over the one car garage and attached to the house- with a stair from the garage to come up into the kitchen area. In the front we have the open porch. There is a roof over it and we made the steps come down to the right…. *Mr. Chudzinski described the configuration of the outside steps.*
Mr. *Chudzinski* *described the exterior of the house- brick and stone. There is a gable roof with the peak at 28'.*
Mr. Chudzinski said the 2nd floor consists of 3 bedrooms and 2 bathrooms. Upstairs now are 2 small bedrooms and a half bath. The ceilings are low.
Mr. Kates said it's a difficult 2nd story as it exists today.
Mr. Chudzinski *described, using the architectural plans, how the 2nd floor would be altered. The ceiling height will be raised to 8' on the 2nd floor.*
Mr. Merzel asked whether the 2nd floor will go over the 1st floor bathroom.
Mr. Chudzinski *answered the question using the plan.*
Ms. Furio asked currently the 2nd floor ceilings are not 8' ?
Mr. Chudzinski said that they were not.
Mr. Kassis asked about the addition to the original house. It appears there was an addition to the 1st floor on the left hand side.
Mr. Kates said when my clients purchased the property there was a representation made on the contract. 1986 – 1987 added front extension to the living room and in 1989 added master bedroom and full tiled master bath. All proper permits were obtained.
Ms. Beatriz C. Nunez-Moscarella was sworn in.
Ms. Beatriz C. Nunez- Moscarella testified we bought the house in 2005. All the additions were already made . When we purchased the house we ran into the previous owner. They were there for approximately 20 years. They were the ones who made all the additions and renovations. They allegedly came to this board and got approved.
Mr. Kates said I want to impress upon you the deficiencies of this house. For which you can say to a certain extent it can be repaired. If you can just relate what it is like to live in the house and what is motivating you to make these improvements.
Ms. Beatriz C. Nunez- Moscarella said she bought the house when she was in her twenties. I was working and just needed a house . I love the town, we love the reputation, the school system, and we want to raise a family here because of that. We purchased the house 11 years ago and waited to make sure that we were happy with the town. We want to stay here forever. But then my parents moved along with me, it just doesn't fit our needs because at the time we just wanted to live in Cresskill. But now that we have Ryan and a baby coming and live with my parents its hard to be in a house that the 2nd floor where its so tiny and narrow…..
Ms. Beatriz C. Nunez- Moscarella *described the difficulties of living in the house.*

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

Ms Furio said I want to reiterate the things that we talked about. You plan on installing a seepage pit with a drain that comes from the driveway to the garage flush into the back. You considered, or was mentioned that the driveway would be reduced to fall in line with the line of the garage and not extend.
Mr. Kates said yes.
Ms. Furio said my question is why is this proposed patio so long ?
Ms. Beatriz C. Nunez- Moscarella *said she would not mind if it was shorter.*
There was a discussion among ***Mr. Hubschman, Mr. Kates*** *and* ***Mr. Hubschman*** *and* ***Ms. Beatriz C. Nunez- Moscarella*** *regarding placing the patio closer to the house.*
Mr. Merzel asked when you purchased the house was there anything in the disclosure about building that garage ? Was it there or did they add that ?
Ms. Beatriz C. Nunez- Moscarella said 1986 – 1987 added front extension to the living room and in 1989 added master bedroom and full tiled master bath. All proper permits were obtained
Mr Merzel asked the free standing garage when was that put up, do you know ?
Ms. Beatriz C. Nunez- Moscarella said that I will ask my neighbor because she has lived there for over 20 years.
Ms. Carole Beande was sworn in
Ms. Beande said that the garage was there since I moved in 35 years ago.
Mr. Kates asked which house is yours ?
Ms. Beande said on the garage side.
Mr. McCord asked has your house ever been hit by your neighbor whose driving their car.
Ms. Beatriz C. Nunez- Moscarella said no.
Mr. Corona asked are you planning on keeping the Macadam walk and the driveway the same, or now that you are considering reducing the size of your driveway are you considering doing something different than black top.
Ms. Beatriz C. Nunez- Moscarella said that they are considering stone because of long lifetime and easier to maintain.
Mr. Hubschman said the width will be reduced by 2'. The proposed garage is 5.2' to the property line.
There was a discussion among the applicants and the board on the location and width of the driveway.
Mr. Corona said the Impervious is so high anyway that you can get as close to if not under would make me really happy.
Ms. Furio asked is there anyone in the audience for or against the application ?
Ms. Batistic asked Mr. Hubschman the seepage pit only drains the driveway ?
Mr. Hubschman said yes.
Mr. Merzel asked from the 2nd floor where are the gutters going to run to ?
Mr. Hubschman said they spill out on grade now.
Mr. Merzel asked are you going to leave them like that? If you are putting in a seepage pit can't you have.. considering that the Impervious Coverage is so high.
Mr. Hubschman said a 6' deep pit and pipe some of the…
Mr. Merzel said when you said Seepage pit I assumed you were running a gutter..
Mr. Hubschman said we are.
There was a discussion among the applicants and the board regarding the Seepage pit and drainage.
Ms. Furio said would anyone like to make a motion to approve or deny the application with the FAR of 4.7% above the required ?.
Ms. Westerfeld made the motion to approve.
Mr. Merzel seconded.

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

The motion to approve the FAR was granted.

Ms Furio said would anyone like to make a motion to approve or deny including the amendments that were made.

Mr. Corona said I'll make a motion to approve dependant on :
the reduction in the width of the driveway,
to realign the garage,
to include a seepage pit,
to relocate the patio next to the house and the walkways taken away, and
to submit a revised plan.

Mr. McCord seconded.

The motion to approve the application subject to the above amendments was granted.

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

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’			

The applicants propose to construct an addition to their garage, and an add-a-level to the house.

Ms. Lehavit Lapid, applicant, was sworn in
Mr. Norberto Szwerdszarf Rotman, applicant, was sworn in.
Mr. Szwerdszarf Rotman testified we are family that recently moved to Cresskill. We have 3 young kids 6 ½ , 4, and 3 years old. We lived in Tenafly as tenants. We purchased a house here in Cresskill.
Ms. Lapid said the house is too small for us, we are a family with 3 kids. The house is quite small and the older kids have to be upstairs now, we have to sleep downstairs and they are very much afraid. We really need to make more bedrooms upstairs. We have now a single garage and its not enough for us as a family, we really need a 2 car garage for us to be able to function.
Ms Stephanie Pantale , architect**,** was sworn in.
Ms. Pantale testified that the house is a small Cape with a single car garage. There is a bedroom on the first floor and 2 bedrooms upstairs for the kids. When you walk in there is a living room, dining room is right behind it, a kitchen and to the left 2 bedrooms and a full bath. There are 2 small bedrooms upstairs. They want to extend their house and add a level on. Their garage now is oversized for a one car so we will just add on which is about 5 ½ feet for a 2 car garage. So, tonight we are here for 3 variances. There is an existing non-conformance of the lack There is 0.6% variance for Building Coverage, Side Yard is 10.2’ where 15’ is required, Combined Side Yards has 7.8’ variance where 35’ is required. The garage was currently at 16.2. The front covered porch and the rear porch pushes over the Building Coverage. We have a wider front porch. We have a living room, a dining room, a powder room, a kitchen bumped out, a dinette bumped out, a family room and an expanded garage. Upstairs there are 4 bedrooms and 3 bathrooms. There is a bedroom downstairs in the basement. We are asking to widen the garage in order to make a 2 car garage and the side yard variances.
Ms. Furio said when you push the garage out 5.5 you are then off the side yard by 10.2’
Ms. Pantale said that is the closest point it gets wider as you go back.
Ms. Batistic asked how far is the neibor’s house from the property line ?
Ms. Pantale said she was not sure- at least 10’,
Mr. Kassis asked has any consideration been given to extending the garage and not having that 2nd story come all the way out ?

1287 Norberto Szwerdszarf Rotman & Lehavit Lapid 20 Evans Rd Block 202 Lot 5
Ms. Furio said and not putting the Master bedroom over the garage.
Mr. McCord said not making the Master's as wide as the garage.
Ms. Pantale said actually no because structurally its easier…
Ms. Pantale *explained why it was easier.*
Ms. Pantale said it was better to meet the FAR requirement and to get it as close to Building Coverage as possible.
Mr. Merzel said he could not find the calculation for Impervious Coverage.
Ms. Pantale said that would be with the Zoning application on page 3.
Mr. Merzel said how did you reach those numbers. Usually we get them on the front…
Ms. Pantale said I measured them.
Mr. Merzel asked what did you include in those measurements ?
Ms. Patale *recited the dimensions shown on the plan, and gave to Mr. Merzel a copy of what she had given to the Zoning official.*
Ms. Westerfeld asked why FAR was not a problem while Building Coverage was a problem ?
Ms. Pantale *explained how the design of the house met the FAR requirement, but added to the Building Coverage.*
Ms. Pantale said the houses that come before you that are small, the Building Coverage is the problem a lot of times. But this house, we wanted to make it look pretty and coming before the board with what they needed and not ask for crazy numbers. So the conversation was: I want a fireplace. If I put the fireplace inside the house it reduced the building coverage, but outside the house it increased the Building Coverage. The garage does not count in the FAR in this town. We focused on the FAR because I know before this board that that is a big issue. So I said lets try to get everything else to work and if we need Building Coverage we will ask for Building Coverage but we will try to keep the FAR in check.
Mr. Merzel asked the basement will be finished ?
Ms. Pantale said yes.
Mr. Merzel said you are having a bedroom down there. I don't see a plan of the basement.
Ms. Pantale said the basement was not submitted. It is not included in the FAR.
Ms, Furio asked if anyone in the audience is for or against this application.
Ms. Furio said would someone like to make a motion to approve or deny the application**.**
Mr. Merzel made the motion to approve the application.
Mr. Corona seconded.
Mr. Kassis voted 'No'.

The Application was approved

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Memorializations

1282 Andrew & Marissa Bolson 199 Phelps Block 130 Lot 54

The applicants were granted the following variances to construct an addition

Description	**Required**	**Existing**	**Proposed**	**Variance**	
Front Yard Set Back	25’	25.2’			
Side Yard Abutting/Lot	**15’**	**17.1**	**12.9’**	**2.1’**	
Combined Side yards	**35’**	36’	**30’**	**5’**	
Rear Yard Set Back	30’				
Max. Livable Fl.Area FAR	Variable 39%				
Lot Frontage	**100’**	**80’**		**20’**	
Lot Depth	100’	120.63’			
Bldg Coverage %	**20%**	**24.97%**	**22.79%**	**2.79%**	
Impervious Coverage	Variable 31.9%	32.09%	29.9%		
Height	28’	14’4”	14’4”		
Lot Area.	10,000 sq.ft	**9,363**		**637 sq.ft**	
Driveway from Prop. line.	10’				

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

1284 Green & Potkulski 53 Engle St Block 92 Lots 14 – 15

The applicants were granted the following variances to construct a 2nd floor and front porch addition.

Description	**Required**	**Existing**	**Proposed**	**Variance**
Front Yard Set Back	**25’**		**21.5’**	**3.5’**
Side Yard Abutting/Lot	**15’**		**7.5’**	**7.5’**
Combined Side yards	**35’**		**14.5’**	**20.5’**
Rear Yard Set Back	30’			
Max. Livable Fl.Area FAR	Variable 30%			
Lot Frontage	**100’**	**51.53’**		**48.47’**
Lot Depth	100’			
Bldg Coverage %	20%			
Impervious Coverage	**Variable 34.8%**	**46.58%**	**48.79%**	**13.99%**
Height	28’			
Lot Area.	**10,000 sq.ft**	**7224 sq.ft**		**2776 sq.ft**
Driveway from Prop. line.	10’			

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

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Memorializations (cont.)

1286 Reavis 36 Magnolia Ave Block 92 Lots 1

The applicants were granted the following variances to construct an addition.

Description	**Required**	**Existing**	**Proposed**	**Variance**
Front Yard Set Back Magnolia	**25'**	**25.2'**	**24.7'**	**0.30'**
Front Yard Set Back 3rd St	**25'**	**24.7'**	**24.7**	**0.30'**
Side Yard Abutting/Lot	15'	29'		
Combined Side yards	35'			
Rear Yard Set Back	**30'**		**19.53'**	**10.47'**
Max. Livable Fl.Area FAR	Variable 30%	15%	30%	
Lot Frontage	100'			
Lot Depth	100'			
Bldg Coverage %	**20%**	**23.31%**	**25.52%**	**5.52%**
Impervious Coverage	**Variable 32.5%**	**39.36%**	**39.36%**	**6.86%**
Height	28'		27.5'	
Lot Area.	10,000 sq.ft			
Driveway from Prop. line.	10'			

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