

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

Page 2 of 7

1185 Gadish (cont)

51 Carlton Terrace

Block 187 Lot 14

Mr. Gadish testified that they want to bring the house up to par with that of the neighbors. The existing house was built in 1951. His wife and kids find the existing house an embarrassment. Even after the addition, the house will not be one of the bigger homes.

Mr Amicucci said that had driven around the block, and that there were other houses in the neighborhood that had been upgraded in a manner similar to this application.

Mr. Amicucci asked Mr. Gadish if he had put in the driveway, and if the fence in the backyard belonged to him.

Mr. Gadish said that the driveway and fence were there when he bought the house a year and a half ago.

Mr. Amicucci said the driveway and fence were illegal. The driveway is too close to the property line and the fence is more than 6' high.

Mr. Amicucci asked How far is the house to the left of your property (when you are facing your house) from the property line.

Mr. Blake said 12' to 13'.

Mr. Amicucci said there were a lot of homes that had put garages on leaving sidelines of only 10'. There are homes across the street that were improved too.

Mr. Corona said you are not setting a precedent with your house, there is a newer house next door and across the street.

Mr. Corona asked if the tree was staying.

Mr. Gadish said that it was.

Mr. Amicucci said that he would like to see a buffer between the property line and the driveway. When you park your car close to the curb, the car door, when opened, will be in the other person's property.

Mr. Gadish said that he was aware of that, and that is why he wants to build a garage, so he can leave the car inside. Also to protect the car from the sap and acorns from the tree.

Ms. Batistic said that if the existing driveway will remain, you will go over grass each time you go out of the garage. It would be better to have the driveway the same width as the garage.

Mr. Gadish said that the tree would have to be removed.

Ms Batistic asked how far is the tree from the face of the house.

Mr. Blake said 10' to 15' but the tree is on the edge of the driveway.

Mr. Gadish showed a photo of the property.

The photo was examined/discussed by the members of the board.

Ms. Batistic asked what is the sq. feet of the existing house.

Mr. Blake said 1130 sq.ft including a 150 sq.ft deck, they are proposing to add 765 sq.ft. including the garage.

Mr. Kassis said that on the left hand side of the house there will be a large wall close to the property line. Suggested adding a window in the garage wall.

Mr. Amicucci said that he has no window in his garage, nor does his neighbor, and the wall does not bother him.

Mr. Amicucci said that the upgrade would be an asset. There are other homes with 10' side yards.

Mr. Kassis said that some side yards are smaller than 10', there are some of 6'. A buffer would require the removal of the tree.

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

Page 5 of 7

Review / Revision of the Application to the Zoning Board of Adjustment (cont.)

discussion about the age of existing surveys and site plans. I laid out a procedure for using site plans and surveys that are not original or prepared specifically for the application. If the applicant wishes to use a site plan or survey, there is no age limitation; but the site plan or survey must be clear and legible, and has to have measurements on it that are to scale (because on occasion board members have had to do the calculations while sitting at a board meeting). The applicant(s) must also provide an affidavit stating that what was presented to the board was accurate as of the day of the application hearing. It is a survey that has the structure on it (and a garage) and that was the way it was in 1960 and that's the way it is today. In that case the applicant(s) can use the copy.

Mr. Amicucci asked : and suppose its not.

Mr. Van Horne said then it cannot be used. The applicant(s) must have an updated survey / site plan done.

Ms Batistic said only if something has been added or changed. But if the applicant(s) have an old survey, how can a person, without being a professional, certify that the document is accurate.

Mr. Merzel said that the affidavit certifies not that the survey is accurate, but that nothing has changed since the survey was done, and still reflects what is there today.

Mr. Merzel said that the language makes it sound as if someone could make their own survey. It does not say that the survey must be done by a licensed surveyor. Specifically the part that says that it does not have to be made for this purpose by a professional.

Mr. Van Horne said it says the site plan or survey need not be original or current or prepared by a professional specifically for the application. However if a copy of the site plan or survey is submitted it must be clear and legible. It is implicit that if a site plan or survey is submitted, it was prepared by a professional.

Mr. Merzel said that it does not say that, it sounds as if someone can make their own survey. Someone could make their own measurements which may not be accurate. I would like to see in the application that a survey means a true survey, made by a professional.

Mr. Merzel asked what is the difference between a site plan and a survey.

Ms. Batistic said that a site plan shows what will be built, the survey is the existing condition.

Ms. Batistic showed a sample of a site plan made by an architect based on a survey provided by the home owner.

There was a discussion among the board members about when a survey is required: ie when a mortgage is needed.

Mr. Amicucci said that if he would buy a property for cash, he would want to know where the property lines were.

Mr. Van Horne asked what about a site plan. Can a home owner draw a planned deck on and existing survey?

Mr. Amicucci said that he would allow that as long as the measurements were on there.

Mr. Merzel asked suppose the owner has no survey.

Mr. Amicucci said then he has to get a survey. The application states that he needs a site plan or a survey. The applicant should not appear before the board without a survey or site plan. By the time they appear before the board everything (in the application) should be ready and correct.

All the board has to do is hear it.

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

Page 6 of 7

Review / Revision of the Application to the Zoning Board of Adjustment (cont.)

Mr. Merzel said that if a home owner brings a drawing with measurements based on a survey, but does not bring in the survey, does the board accept that.

Mr. Amicucci said not from a home owner.

Mr. Merzel said that the rule should state that we need to see a survey. If anything is based on a survey than the survey should be included.

There was an animated discussion among the Board members about inclusion of a survey and the wording in the Rules and Regulations.

Mr. Merzel said that tonight we granted an application based on a site plan signed by an architect, based on a survey. If a home owner brings a drawing just like this one, and he says he has made the site plan based on a survey (that he has not brought with him).

Mr. Amicucci said I do not think we can accept something from a home owner that is not licensed. In the case tonight, there was a licensed architect.

Mr. Merzel said that the rule should be clear, if there is a difference between the way an application will be heard if there is an architect or a home owner, then that should be in the rules. Or there should be a way of writing that it has to be a professional that tells the figures, a licensed architect / engineer, or else a survey should be presented.

Mr Kassis said that legally an architect is no more qualified than a home owner when it comes to a survey. We should have an exact survey prepared legibly that comes from a reliable source.

Mr. Merzel said that he goes on record that, in his opinion, the board should always get a survey (or copy thereof).

There was discussion among the board members regarding the necessity of a survey in all cases.

Mr. Merzel said that with today's technology a survey can be altered without detection on the copy.

Ms Batistic said that tonight's application was approved without a survey, using the architects site plan referencing the survey. Before obtaining a C.O, the owner will need an 'as built'.

Mr. Merzel and Mr. Kassis both said that if the 'as built' differs from the approved plans, the structure will stay (remain as built).

Mr. Merzel asked if the home owner has a 10 year old survey, and it is missing one measurement, and the home owner writes the measurement in and says that he measured it.

Mr. Amicucci said we (the board) don't accept it.

Mr. Merzel said that is why a survey should be explicitly required.

Mr. Amicucci said we(the board) scale missing measurements, but said we(the board) should not- because we are responsible. Also we should not change the design.

Mr. Kassis said we can make minor suggestions to improve.

Ms Westerfeld said that the application should ask for a survey.

Mr. Kassis said a clear, legible survey prepared by a licensed surveyor.

Mr. Amicucci asked if the survey is from 1900 does the board accept it.

Mr. Kassis said if it is clear, legible and from a professional.

There was discussion among the board members regarding the need of a survey.

Mr. McLaughlin said that he wants to play devil's advocate. Suppose a home owner comes in with a 50 year old survey. He says that 10 years ago he put up a shed. Does he have to get a new survey.

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

Page 7 of 7

Review / Revision of the Application to the Zoning Board of Adjustment (cont.)

There was discussion among the board members regarding the need of a survey in this case.

Mr. Amicucci said the procedure has worked until now, and he does not see any problem with it. Some applicants come in with surveys and others with site plans. If the applicant / home owner has plans that were made by the home owner, with measurements made by the home owner, it would not be accepted. The applicant would be asked to come back with a plan from a licensed professional.

Mr. Merzel said if the Rules and Regulations say that a survey is required, an applicant would not have to come back.

Mr. Kassis asked for a show of hands from the board members as to who would like to see a survey and who would not. Personally he is in favor.

Mr. Amicucci said that the check-off list does not mention a survey but it does mention a site plan.

Mr. Kassis said that tonight's applicant had a site plan prepared by an architect, but based on a survey given to him by the home owner.

Mr. Kassis cited an example of an inaccurate site plan.

Mr. Amicucci asked the recording secretary what is required by the Planning board.

The recording secretary said that the plans for an application to the Planning Board are reviewed by the Borough Engineer. Thus the procedure is different.

Mr. Kassis asked for a show of hands as to who would like a survey (legible and to scale) prepared by a licensed professional specified in the Rules and Regulations.

Six members voted for a survey prepared by a licensed professional specified in the Rules and Regulations.

Mr. Kassis said an older survey must have an affidavit.

Mr. Van Horne said he would modify the check list to include the survey, modify 2(c) to describe the site plan as per tonight's discussion, expand 5(e) to include the affidavit for no change (of the survey).

Mr. Kassis said to include the 4th column which refers to the Existing Condition.

Mr. Amicucci said that next month the board will review Mr. Van Horne's proposed changes to the Rules and Regulations, and then submit them to the Mayor and Council for a vote.

Mr. Merzel made the motion to close the meeting

Ms. Batistic seconded.

The Board adjourned at 9:15 pm.