

**Borough of Cresskill
Zoning Board of Adjustment
Minutes May 28, 2015**

Present: Ms. Batistic Ms. Westerfeld, Mr. DePalo, Mr. Corona, Mr. Merzel, Mr. Van Horne (Board Attorney), Mr. Olmo (councilman) , , Ms. Bauer (recording secretary)

Absent: Ms. Furio, Mr. McLaughlin

The meeting was called to order at 8:07 pm.

Ms. Batistic presided as chair-person.

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

Minutes of the April 23, 2015 meeting were approved

1263 NJR Investment Properties II 150 South Street Block 159 Lot 12

Mr. Saenz is applying for the following variances. NJR Properties were granted variances for this property on Dec. 5, 2013. See attached resolution for Docket # 1234.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25ft			
Side Yard Abutting/Lot	15 ft	10.09		granted
Combined Side yards	35 ft			
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR (variable)				
Lot Frontage	100 ft	75 ‘		granted
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage (variable)	31.9%		34.97%	3.07%
Height	28 ft		28’7”	7”
Lot Area.	10,000 sq.ft	8,156 sq.ft		granted
Driveway from Prop. line.	10’			

The application was carried from the 2/26/2015 meeting to allow the applicant to regrade the front yard.

Mr. Marc Weissman introduced himself as representing NJR Investment Properties II, the former owner of the property, the company who did the renovation at 150 South St., The property has changed hands and the ultimate owner is now living there with a temporary Certificate of Occupancy. The temporary Certificate of Occupancy was issued with 2 open matters. We have solutions in place to satisfy your requirements. One of them pertains to the Impervious Coverage which is over by 3%. The second is the height of the building. The actual height exceeds the required amount by 7”. We have installed planters in this case.

Mr. Fernando Saenz was sworn in.

Mr. Fernando Saenz testified that they were looking for a solution because the height was 7” higher than required. We were looking for the reason why that happened. During construction there were different re-grading of the front and back of the land. During those re-gradings the front went down to so the height is now 7” higher. One of the solutions was to try and re-grade the front to bring the property to the height that we wanted. We talked to the engineers and the architect. By elevating the grade of the front yard, that would cause different problems. The front of the house has 2 windows which would interfere. We looked for different solutions and our architect and engineer suggested that we install planters in each corner of the building, now that the measurements are taken by the 2 front

**Borough of Cresskill
Zoning Board of Adjustment
Minutes May 28, 2015**

Page 2 of 9

1263 NJR Investment Properties II (cont.) 150 South Street Block 159 Lot 12

corners of the building. To put the planters on both corners to elevate the grade. We looked at that option and spoke to one of the officials in town...

Mr. Boris Fhihinfki was sworn in.

Mr. Fhihinfki testified that our architect recommended a solution of putting in the planters, which I have a copy of, and I spoke to Mr. Rossi who said to go ahead that he was fine with doing that. So if you look on the measurements there it brings the grade on both sides of the house up so that when you do the calculation of the height you come to 27' 9".

Mr. Van Horne asked who did the calculation?

Mr. Fhihinfki said I did, based on upon what the town engineer said. We are waiting for the final as built survey which we should have next week.

Mr. Van Horne asked are you a licensed architect or engineer ?

Mr. Fhihinfki said I am not. Paul Azzolina gave me the calculation which was to take the 2 front elevations divide them by 2 and subtract that from the roof peak, which gives you the building height.

Ms. Batistic said that what happened is they put 8" planters on each corner of the building, and they said now, my grades are 8" higher therefore my average height now complies.

Ms. Westerfeld asked then they don't need a variance, right ?

Mr. Merzel asked whats the discussion here about a variance then ? Do the planters count as elevation ? That is a critical question.

Mr. Weissman asked if we are in compliance then we do not need a variance, correct ?

Several members of the board agreed

Mr. Weissman said we are not seeking a variance, we are seeking a final Certificate of Occupancy.

Mr. Merzel said we do not give Certificates of Occupancy.

Mr. Weissman said that we need the board's approval so the certificate can be issued. We were remanded to the board to make a determination.

Ms. Batistic said if you are complying with the height with your new elevation then there is no variance'

Mr. Merzel said I am curious as to what is going on with these planters.

Mr. Van Horne said they need a variance.

There was a discussion among the board whether a height variance was needed.

Mr. Van Horne said that confirmation was needed from Mr. Azzolina.

Ms. Batistic asked Impervious Coverage ?

Mr. Weissman said in terms of the height we believe we have sufficiently addressed the boro's concerns by the addition of the planters. We planned to have the final 'as built' survey with us this evening, but the surveyor was on vacation. So the figure of 27. 9 will be provided in the final printing which we will have next week. That will be the final confirmation that the measurements are correct.

Mr. Corona said that according to your document its 27.95''

Mr. Van Horne said if Paul Azzolina accepts the planters then a height variance is not needed.

Ms. Batistic asked you did this only in the front ?

Mr. Saenz said yes.

Ms. Batistic asked do you have the measurements for the back ?

Mr. Saenz said no. The back should be the same as the front. The back was not touched at all. We were told the measurements are for the front.

Mr. Merzel asked originally the grading was higher and you lowered it and that's how the problem started ?

Mr. Saenz when we started construction we did not know about the height being higher or lower. That was after the fact when we finished the property and we got the permit and we were told that the height of the house was over.

**Borough of Cresskill
Zoning Board of Adjustment
Minutes May 28, 2015**

Page 3 of 9

1263 NJR Investment Properties II (cont.) 150 South Street Block 159 Lot 12

Mr. Merzel said originally before you started construction the grading was higher, you lowered it and that's how the problem started ?

Mr. Saenz said when we started construction we did not know about the height being higher or lower. It was after the fact when we finished the property and we were asked to get a sealed survey. When we got the survey and we brought it over, we were told that the height was over.

Mr. Merzel said the original plan was 28'.

Mr. Saenz said 28' yes.

Mr. Merzel asked it was 28' during construction, it became more once you graded it ?

Mr. Corona said there was an issue with another contractor, with whom you are having a dispute. You had to release him and had to work with someone else to finish the project.

Mr. Saenz said during and after the construction there were moments where we had to re-grade the front and back. Then when the house went under contract the buyer wanted the back re-graded again. So we did after the fact, several re-gradings and through the construction, at the beginning it was brought down lower because during the big rain the house flooded so we had to lower the grade. During all those different re-gradings that this happened.

Mr. Corona asked have you done anything else to the house since you were last here ?

Mr. Saenz said no we only did the planters. The new owner of the house put some sod on the front lawn.

Ms. Margit said before we can rule on this, we have to hear the Boro Engineer's interpretation and acceptance of the height calculation

Mr. Van Horne said have your architect contact him and then make a presentation proposal to him and then we can finalize...

Mr. Saenz said and that will be accompanied with a final survey.

Mr. Van Horne said this application will be carried to the next meeting and you do not have to re-notice.

Mr. Van Horne asked is anyone here for this application #1263 ?

The application was carried.

**Borough of Cresskill
Zoning Board of Adjustment
Minutes May 28, 2015**

1264 Dong Woo Lee & Jung Hyun Park 124 13th St. Block 143 Lot 201-207

The applicants are seeking the following variances to construct a foyer and master bedroom addition over an existing garage.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ‘			
Side Yard Abutting/Lot	15 ‘	10.5’		4.5’
Combined Side yards	35 ‘			
Rear Yard Set Back	30’			
Max. Livable Fl.Area FAR (variable)	30%			
Lot Frontage	100 ‘	100’		
Lot Depth	100 ‘	133’		
Bldg Coverage %	20%			
Impervious Coverage (Variable)	30%			
Height	28’			
Lot Area.	10,000 sq.ft	13,300 sq.ft		
Driveway from Prop. line.	10’			

The application was carried from the April 23, 2015 meeting to allow the applicants to present their plans for the proposed deck.

Ms. Michelle Kim, Ms. Jung Hyun Park and Sangjoon Bae (architect) were sworn in.

Ms. Kim testified at the meeting last month. The issue was with the deck. We need a new deck and the description was not clear. Also the height of the whole building.

Ms. Batistic asked you are adding a deck to the back of the house ? How wide is the deck ?

Ms. Kim said 9’ by 20’ with the staircase.

Ms. Batistic said that the only variance that you are seeking is existing 4.5’. The deck will be in line with the house. The staircase is from the 2nd floor.

Ms. Kim agreed.

Ms. Batistic said under the deck there is an existing patio. Are you leaving the patio the way it is ?

Ms. Kim said the patio projects 1.5’ from the deck. The projection will be removed.

Mr. DePalo said that the deck there is 3’ high

Mr. Corona asked is the addition over the garage is the same height as the house ?

Ms. Kim said it is a little taller.

Mr. Merzel asked is this based on the survey we saw last time ?

Ms. Kim said yes.

Ms. Batistic asked are you changing the driveway ?

Ms. Kim said yes. They will reduce the width of the driveway by removing a tree at the center.

Ms. Batistic said that the driveway will go straight from the garage to the street.

Ms. Kim said yes.

Mr. Corona asked did you have a Building Permit for kitchen and bath renovations ?

Ms. Kim said the contractor got the permit for interior minor work.

Mr. Corona asked the image that you have here is what you are aiming to have it look like ?

Ms. Kim said yes.

The board discussed the picture.

Ms. Batistic asked does anyone in the audience have a question ?

**Borough of Cresskill
Zoning Board of Adjustment
Minutes May 28, 2015**

1264 Dong Woo Lee & Jung Hyun Park (cont.) 124 13th St. Block 143 Lot 201-207

Mr. Corona made the motion to approve the application.

Mr. Merzel seconded.

The application was granted.

1265 Adam & Jennie Overell 162 8th St. Block 45 Lot 792-793

The applicants are seeking the following variances to construct a 220 sq.ft deck.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ‘			
Side Yard Abutting/Lot	15 ‘		7.8’	7.2’
Combined Side yards	35 ‘		17.5’	17.5’
Rear Yard Set Back	30’			
Max. Livable Fl.Area FAR (variable)	30%			
Lot Frontage	100 ‘	100’	50’	50’
Lot Depth	100 ‘	133’		
Bldg Coverage %	20%			
Impervious Coverage (Variable)	35%		34.90%	0.1%
Height	28’			
Lot Area.	10,000 sq.ft	5,000 sq.ft		5,000sq.ft
Driveway from Prop. line.	10’			

Mr. Adam Overell was sworn in.

Mr. Overell testified that he would like to build a deck in the back of his house. The variances sought are existing. The lot is 60’ by 100’

Ms. Batistic asked you have an existing side yard variance ?

The board discussed the width of the side yards as shown on the plan.

Mr. Overell said that on the letter of denial the Rear Yard Set Back was not shown. The as built survey will show that the deck does not encroach on the Rear Yard Set Back. The deck will be 11’ deep by 20’ wide.

Ms. Batistic said I don’t know what this 28.2 is on the plan.

Mr. Overell said when the Morgan Engineering put the proposed deck on to the plan... The actual deck will only be 11.8’ from the back of the house.

Mr. Corona asked will the deck be over the AC unit ?

Mr. Overell said no, the AC unit is further down. They did the survey when I purchased the property in August. I asked them to re-do it for Mr. Rossi.

Mr. Corona said the deck will be flush with the corner.

Mr. Merzel asked is the lot depth 100’ or 133’?

Mr. Corona said 100’.

The board decided it was 133’

Ms. Batistic asked how high is the deck above the ground.

Mr. Overell said 4.5’.

The board discussed the side yard variances.

Ms. Batistic asked do you know what the Building Coverage is ?

**Borough of Cresskill
Zoning Board of Adjustment
Minutes May 28, 2015**

1265 Adam & Jennie Overell (cont.) 162 8th St. Block 45 Lot 792-793

Mr. Overell said 20%.

Ms Batistic asked does that include the deck ?

Mr. Overell said as is.

Ms. Batistic said then we have a Building Coverage Variance because the deck must be included in the Building Coverage.

Ms. Batistic said the Plot Plan does not show the building dimensions. But if the set-backs are correct, then you have 30.5' long and 32.5' wide that is 991.25 sq.ft plus the deck is 1211 sq.ft, so your Building Coverage is 24.2%, the required is 20%..

Mr. Van Horne said you need you surveyor or engineer to testify.

Mr. Overell said so I get the surveyor to come here and calculate the foot-print of the house ?

Ms. Batistic said yes, and include the deck for your Building Coverage. I think you want to be accurate.

Mr. Overell said so I come back next month. Do I need to do the whole process again ?

Mr. Van Horne said no it will be carried. The surveyor can make the survey accurate. The surveyor and yourself can make the application more accurate. Bring it in 10 days before.

Ms. Batistic said have the surveyor put the dimensions of the deck (width, length, the set-back), dimensions of the house so it can be easily identified in case something is wrong. The Board needs to make a decision based on the facts.

The application was carried.

1266 John & Brenda Jamieson 210 Elm St. Block 30 Lot 125

The applicant is seeking the following variances to construct a 2 story addition.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ‘	24.60’		0.4’
Side Yard Abutting/Lot	15 ‘	9.6’		5.4’
Combined Side yards	35 ‘			
Rear Yard Set Back	30’	44.93’	24.93’	5.07’
Max. Livable Fl.Area FAR (variable)	35.76%	19.11%	34.77%	
Lot Frontage	100’	67.15’		32.85’
Lot Depth	100 ‘			
Bldg Coverage %	20%			
Impervious Coverage (Variable)	35%			
Height	28’			
Lot Area.	10,000 sq.ft	6713 sq.ft		3287
Driveway from Prop. line.	10’			

There is a discrepancy between the Letter of Denial and the Survey. No FAR variance is required.

Mr. John Jamieson was sworn in.

Mr. Jamieson testified that he wants to construct a 2 story addition to the back of his house.

1266 John & Brenda Jamieson(cont.) 210 Elm St. Block 30 Lot 125

He and his wife moved to town about 3 years ago. They have 3 kids, one in 2nd grade, one in kindergarten and one in pre-school. It is a small house for us. We want to remain in the town.

Ms. Batistic asked about the addition.

Mr. Jamieson said that he wants to add a family room and a half bath on the first floor. There is only one bath in the house now. On the second floor there will be a master bedroom and a master bathroom.

Mr. Chris Blake (architect) testified the variances we are seeking is a Rear Yard Set Back, where 30' is required we are proposing 24.93'. The Side Yard Set Back we are seeking is 9.6' where 15' is required and that is a continuation of the existing house. We are continuing the existing wall straight back. The existing Front Yard Set Back is about 5" too small. The Lot Frontage is small. Its an undersized property of 6713 sq.ft where 10,000 sq.ft is required. One of the hardships is the location of the house on a corner property. With a significantly undersized property that does not leave us room to expand this house without coming into a variance issue. The original house is modest with a 9' by 11' kitchen, 11' by 11' dining room. Our proposal will bring our FAR to just over 2300 sq.ft which is 34% and we are allowed 35.94%. The Impervious Coverage is 3% under what is allowed. This is an undersized property. The set-backs, the narrowness of the lot and a corner property, there was not a whole lot of options to extend... We are located on the north side of our neighbor and will not cast any shadows or cause any deficiency of light and air to our next door neighbors. A two story addition similar to the existing two story house will be in keeping with the neighborhood.

Ms. Batistic said that the letter of denial says that the FAR is 33.2 required'

Mr. Blake said we noticed that and brought it to the attention. If you look on the agenda... I calculated it many times. It is 34.77 and the required is 35.94.

Ms. Batistic asked the Front Yard Set-back is that existing ?

Mr. Blake said the Front Yard facing Elm St. is literally just a front porch and the front porch has 2 columns...it is 5' wide. We are not proposing to expand that. It is a 24.6' set-back. The 9.6' side yard is existing and will remain.

Ms. Batistic asked will there be any steps ?

Mr. Blake said there will be steps more like 2 or 2 ½.

Ms. Batistic asked about the Impervious Coverage, you are adding 500 sq.ft

Mr. Blake said we are adding about 526 sq.ft. We are still about 185 sq.ft shy of what we are allowed. We have a small driveway, and a lot of big front yardage in the outer corner of the property.

Ms. Batistic asked how does the back-yard slop. Will it affect any neighboring property with the emission of run-off ?

Mr. Blake said it is relatively flat. We will have to have seepage pits to control our run-off.

Ms. Batistic said you will install the seepage pits.

Mr. Blake said yes, we will. The lot is relatively flat we are not affecting any trees.

Mr. Corona asked whose white fence is that.

Mr. Jamieson said I believe it is 'Moth', it was there when I purchased the house.

Mr. Corona asked are you going to do anything with the fence ?

Mr. Jamieson said I was not going to do anything with the fence.

Mr. Corona asked are you digging out a rec-room underneath the new structure.

Mr. Jamieson said yes.

Mr. Merzel asked what is the size of the front porch ?

Mr. Blake said 6' by 4'. It is existing.

Mr. Merzel said you have 24.6 to the top step. So you would need a larger variance than you are asking for.

**Borough of Cresskill
Zoning Board of Adjustment
Minutes May 28, 2015**

Page 8 of 9

1266 John & Brenda Jamieson(cont.) 210 Elm St. Block 30 Lot 125

There was a discussion by the board with Mr. Blake and it was established that the set-back was 24.6 for both front yards.

Mr. Corona asked are you putting sliders on the back? You have modified concrete sidewalk, are you going to do the modified on the right side of the house ?

Mr. Blake said there is now a sidewalk that continuous all the behind the garage, We will trim back the sidewalk.

Ms. Batistic asked about the 1' 3" extension to the roof.

Mr. Blake explained why it was necessary.

Ms. Batistic asked if there was anyone in the audience for or against the application who wants to ask a question.

Mr. Corona asked considering the variance for the Rear Yard Set-Back, how will the end result of your home be with your neighbor ? On the other side of the white fence.

Mr. Jamieson said it is the same exact house. There are about 4 of them that are identical homes.

Ms. Batistic asked about the set-back to the neighbor.

Mr. Jamieson said he's a little bit deeper and wider than me. Probably close to how my left side is to the street- close to 25'.

Ms. Batistic asked about the neighbor in the back

Mr. Jamieson estimated about 10'.

Mr. Corona made the motion to approve the application as presented.

Mr. Merzel said based on the hardship of a corner lot, he seconded the resolution.

The application was granted.

**Borough of Cresskill
Zoning Board of Adjustment
Minutes May 28, 2015**

Memorialization

1252 Keunsoo & Eunhui Park 51 Morningside Block 160 Lot 51

The applicants were granted the following variances to expand their driveway by 5'.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ‘	25.86’	25.86’	
Side Yard Abutting/Lot	15 ‘	4’	4’	11’
Combined Side yards	35 ‘			
Rear Yard Set Back	30’			
Max. Livable Fl.Area FAR (variable)	34.32%			
Lot Frontage	100 ‘	75’		
Lot Depth	100 ‘	100’		
Bldg Coverage %	20%			
Impervious Coverage (Variable)	32.4%			
Height	28’			
Lot Area.	10,000 sq.ft	7,500 sq.ft		
Driveway from Prop. line.	10’	8.66	3.66’	6.34’

Meeting adjourned 9:16 pm