

**Borough of Cresskill
Zoning Board of Adjustment
Minutes Oct. 22, 2009**

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Mr. Kassis said that he went by the house (225 11th Street) and the roof looked pretty big. Could be 11'.

Mr. Kassis said that there was no dimensions of the roof on the survey.

Ms Batistic said it looks like 11' on the survey.

Mr. Kassis agreed.

Mr. Amicucci asked, if they came in with a variance just for the roof over the door, would we pass that?

Mr. Kassis and Mr. Merzel said that its borderline.

Mr. Amicucci said in a non-conforming set-up you are not allowed to rebuild, just because it was there and you knocked it down.

Mr. Merzel said we did grant permission subject to knowing what it is currently.

Mr Amicucci said I understand that.

Mr. Merzel asked are you satisfied with the architectural drawings?

Mr. Amicucci said that he was.

Mr. Kassis said that in theory if this was an application, and there were no existing variances, they could build a structure on top of it, and have the top floor bump out.

Mr. Amicucci said that they would have to come in front of this board- and if they applied to build on top of the deck, he does not think that the board would pass it.

Mr. Amicucci said that he will vote 'yes' on the resolution, because we did say that if it was no larger than the structure that was there, but I think that they pulled one over on us. Because normally we would not let anyone put a roof this size over their front door.

Mr. Gangi asked if you want to send it back to them.

Mr. Amicucci said no, because last month we told the applicant that if she brought in revised plans and if it was no larger than the existing over-hang it would pass.

Mr. Kassis said that the date of the survey was 1998.

Mr. Merzel said he would feel more comfortable if the dimensions were shown on the survey.

Mr. Gangi asked if they located the 2nd chimney.

Mr. Merzel said yes they did.

Mr. Amicucci asked for a roll call.

The memorialization for #1162 was passed.

Mr. Amicucci asked if the architect places his stamp on a plan, then he is responsible for everything on the plan, including the plot plan information on his plan ?

Ms. Batistic said that he was not responsible for the boundary information. By law , surveyors are responsible for the size of the lot and the set backs. The architect can show the figures on the plan and make a reference to the survey. They are also not responsible for drainage.

Mr. Amicucci said that the applicant should always present a certified copy of the Plot Plan to the board.

Mr. Merzel asked if the architect references a survey does he take responsibility that the survey is real ? It could have been faxed. Is it a real survey. It could be forged.

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Mr. Amicucci referred to a previous application where the architect had noted on his plan that he took his information from survey, dated.., and the architect was not responsible for survey information and dimensions.

Mr. Merzel said that the architect was responsible for the validity of the survey (that it was not a forgery), but not for the information in the survey.

Mr. Mueller said that it was the professional responsibility of the architect to do due diligence that the survey is authentic.

Mr. Merzel said that with today's technology it was very easy to fake documents with available software.

Mr. Merzel said that he would like to see stamped surveys.

Mr. Mueller said that there is nothing official about the stamps and seals. All they are, are indicia of authenticity, they are not automatically authenticated. The bottom line is, that it is the license of the professional, making the certification, that is the guarantee of the accuracy of the document.

Mr. Mueller said that the certification on the survey was valid.

If this is not accurate the surveyor, who signed it, could be fined and lose his license.

The only way to know that this is not a fraud is to have the surveyor come here, and present his credentials.

It would make sense to have a check list of questions that every applicant would respond to. The check list would be part of the application package, so that the applicant would be prepared to respond.

Mr. Merzel said that we should have a survey for every case.

Mr. Amicucci said we have that now, that this is part of the application. That at times the applicant has added the proposed modifications to the survey. These modifications have been accepted by the board.

Mr. Mueller said that a record must be made, that that the applicant made the alterations to the survey.

Mr. Kassis said that the board was lenient when the application was to build over an existing structure, where there was no modifications to side yards, set back, nor back yard.

Mr. Amicucci said that the survey is the basis of all our decisions.

Mr. Kassis said that it was more of a concern of the planning board where houses are knocked down.

Other Business

Mr. Gangi said that in the minutes the new start time, 8:00pm, for the Zoning Board would start with the December meeting, but the agenda says that it will start with the January meeting.

Mr. Mueller said that we can make a resolution to modify the prior resolution to change the start time with the December meeting, but to instead, implement the 8:00pm start time in January, in order to facilitate changes that must be made to official documents.

Mr. Gangi made the motion to amend the resolution.

Ms. Batistic seconded.

The resolution was passed.

Mr. Amicucci said that because of Thanksgiving the next meeting is Dec. 3, 2009.

Meeting adjourned 8:19pm.