

**Borough of Cresskill
Zoning Board of Adjustment
Minutes Oct. 28, 2010**

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1179 Kim (cont) 127 4th St Block 49 Lots 611,612,613,614

Mr. Matos said that he will provide copies of the original survey.

Ms. Batistic said that the enlarged version was not to scale and should not have been signed by the architect. It should be signed by a surveyor.

Mr. Matos apologized for not providing the original survey.

Mr. Amicucci said you will provide the information but we are voting on this tonight.

Mr. Kassis said we are voting on the Back Yard and Building Coverage variances.

Mr. Moldt said that the plans will be used to build the deck.

Ms. Batistic said there should be a way for the building department to verify the 'as built'.

Mr. Kassis said that the 'as built' has nothing to do with the Zoning meeting- the 'as built' has to do with the town, the architect and the owner.

Mr. Merzel said how can we be sure that the back fence is in the right spot.

Mr. Kassis said that we are voting tonight on the Back Yard, the front set back and the Coverage variances, it has nothing to do with the fence.

Mr. Moldt said how do we verify the veracity of the information without a proper survey.

Mr. Matos said but I am under oath.

Mr. Moldt said I do not doubt that what you say is true but I have to go with documented evidence. Without a survey it is difficult for us to make a choice.

Ms. Furio asked do you have a copy of the original here.

Mr. Matos said he did not because he did not anticipate discussing the accuracy of the drawing.

Mr. Matos said that he was under oath and that he would provide the information.

Mr. Amicucci read the Letter of Denial: 'He is seeking the following variances and any others that the board deems necessary.'

Mr. Amicucci said that if we see anything else that is a variance then it is our obligation to proceed with it.

Mr. Kassis cited the ruling on the Westervelt property, if there is no construction on the side where a variance is necessary I is not an issue for the board.

Mr. Amicucci said that that was a mistake. The Building dept is not going by that ruling.

Ms. Batistic asked that if the board identifies another variance is it necessary to do another notification of the neighbors.

Mr. Amicucci said not for a minor issue.

Ms. Batistic said that approval be made conditional to submission of a survey that will verify that the deck is 20' from the property line and that the front yard is what they claim.

Mr. Moldt said with respect to the front yard set back, the garage is existing?

Mr. Amicucci said yes.

Mr. Moldt said in that case, the Front Set Back dimension is not even the right set back dimension. The garage comes out a couple of feet, the real Front Set Back is from the garage.

The issue here is the veracity of the information. If we are giving a variance for a Front Set Back and we are told its 24 when maybe its 21, then its different information.

Mr. Matos said that they had come for a variance for the deck, and did not think that the front would become an issue. I have a drawing of the addition- the previous project- with accurate dimensions. This is not the official surveyor survey.

Mr. Matos showed the drawing to the board.

Mr. Amicucci said that he could not read the drawing.

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Ms. Furio said that the drawing shows the garage set back is 24'11".

Mr. Moldt said that the dimension to the rest of the house is 29'.

Mr. Amicucci said that there is no verification of the drawing by a surveyor.

Mr. Amicucci said that we have a lot of problems that cannot be resolved tonight.

Mr. Matos said that is your decision, I did not think that you would be focusing on the front of the house.

Mr. Amicucci said everything non-conforming needs a variance and has to be listed.

Mr. Matos said that we followed the advice of the building department

Mr. Moldt confirmed Ms Furio's reading of the drawing.

Mr. Moldt said that the deck in the drawing was 8' and intrudes into the back yard. It needs a variance and should have come before the board. The front yard is not an issue.

Mr. Moldt asked when was the plan submitted.

Mr. Matos said April 2010

Mr. Amicucci said you will justify all the complaints we have. Bring material in that is correct.

Mr. Matos said yes he would.

Mr. Moldt said that we could get verification with a submitted survey through the Building Department to the Chairman.

Mr. Amicucci asked each member of the board for their opinion

Mr. Kassis said we were given a certain application. We are voting on the application. We grant 10' in the back on whatever information was given to us. We have seen applications before that were not as perfect as we would like, but it is an imperfect process that we have. I would like to proceed with moving ahead with the vote. It is the obligation of our paid Construction Official to verify the variances that we grant are going to be accurate to what is actually built. And, therefore alleviates our necessity to go to the extreme of being a monitor for the approval of any kind of Zoning rules that we pass.

Ms Batistic said that she agrees with granting the variance with the submission of the sealed and signed survey, to be sure we are not granting something that cannot be done.

Ms. Furio said that she agreed with Mr. Kassis.

Mr. Merzel said that basically they are making the deck smaller than the existing deck. If we agree to grant it will be an improvement. The deck will be further back. They are not doing any work to the front. It is important that we get proper surveys. I have no problem proceeding with this, based on the fact that they have to agree that the numbers are correct.

Mr. McLaughlin and Ms. Westerfeld agreed with Mr. Moldt's suggestion.

Mr. Amicucci asked if the shed, marked 'to be removed', has been removed.

Mr. Matos said that it had been removed.

Mr. Moldt made the motion to approve the application accepting the existing non-conformities and stipulating that, regardless of the dimensions of the deck, there is 20' set back; and provided that we receive a correct, signed and sealed survey to verify the information.

Mr. McLaughlin seconded.

Mr. Amicucci said that next month we read the resolution. Bring the correct, signed and sealed copy from the surveyor with the exact numbers on it (back and front yards) to us by next month. If it is not here next month, we will not approve the resolution. Bring it back to us next month at the day of the meeting. We will look at it and then finalize your resolution.

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Mr. Matos said that he thinks that that is more than fair.

Mr. Amicucci said the next meeting is December 2, 2010. Either give the survey to the Zoning Board secretary or the Borough Clerk.

Other Business

Mr. McLaughlin reported that Ms. Westerfeld and he had attended the class for New Jersey accreditation.

Memorialization

1176 Kelly 288 Concord St Block 14 Lot 55

The applicant was granted the following variances in the R-10 Single Family Zone for additions and alterations to the existing house.

Min. Lot Area.	Reqd 10K sq.ft	Existing 7098 sq.ft	Variance Reqd 2902 sq.ft
Min. One Side	Reqd 15 ‘	Proposed: 7.5 ‘	Variance Reqd 7.5’
Total Comb. Side	Reqd 35’	Proposed 15.4’	Variance Reqd 19.6’
Min Lot Frontage	Reqd 100’	Existing 60.23’	Variance Reqd 39.77’
Lot Coverage	Reqd 20%	Proposed 22.2%	Variance Reqd 2.2%
Impervious Cov.	Reqd 33.7%	Proposed 36.5%	Variance Reqd 2.8%

1177 Feldman / Lopez 164 5th St Block 37 Lot 158-159

The applicants were granted the following variances in the R-10 Single Family Zone for a second story addition.

Min. Lot Area.	Reqd 10K sq.ft	Existing 5000 sq.ft	Variance Reqd 5000 sq.ft
Min. One Side	Reqd 15 ‘	Existing 11.34 ‘	Variance Reqd 3.66’
Total Comb. Side	Reqd 35’	Proposed 25.03’	Variance Reqd 9.97’
Min Lot Frontage	Reqd 100’	Existing 50’	Variance Reqd 50’
Min. Front Yard	Reqd 25’	Existing 20.3’	Variance Reqd 4.7’
Impervious Cov.	Reqd 35%	Existing 43.22%	Variance Reqd 8.22’

Meeting adjourned at 9:06pm