

**Borough of Cresskill
Zoning Board of Adjustment
Minutes Oct. 27, 2016**

Present:, , Ms. Batistic, Mr. Corona, Ms. Furio, Mr. Kassis, Mr McCord, Mr. Merzel, Ms. Westerfeld, Mr. Van Horne (Board Attorney), Ms. Bauer (recording secretary),

Absent:

The meeting was called to order at 8:01 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 Oct. 27, 2016 meeting were approved.

Applications

1290 Louis Zimick

70 Park Ave

Block 167 Lot 19.02

Description	Required	Existing	Proposed July 28	Variance July 28	Proposed Aug. 25	Variance Aug.25
Front Yard Set Back	25ft				25'	
Side Yard Abutting/Lot	15 ft		8'	7'	9'	6'
Combined Side yards	35 ft		16'	19'	18'	17'
Rear Yard Set Back	30 ft				30	
Max. Livable Fl.Area FAR (variable)	39%		51.37%	12.37%	47.80%	8.80%
Lot Frontage	100 ft	50'		TECH		
Lot Depth	100 ft					
Bldg Coverage %	20%		30.7%	10.7%	28.90%	8.90%
Impervious Coverage (variable)	35%		44.70%	9.70%	42.90%	7.90%
Height	28 ft		27.5'		27.5	
Lot Area.	10,000 sq.ft	5000 sq.ft		TECH		
Driveway from Prop. line.	10'					

The applicant proposes to construct a new single family home at the above address

The application is carried from the Sept. 22, 2016 ZBOA meeting.

Mr. Jack Van Horne announced that application #1290 has been carried, at the request of the applicant, to the next meeting.

Several members of the audience left the meeting.

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1288 Nicholas and Elefteria Stathatos 256 E. Madison Ave Block 92.08 Lot 1

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'			
Side Yard Abutting/Lot	15'		9.75'	5.25'
Combined Side yards	35'		31.75'	3.25'
Rear Yard Set Back	30'			
Max. Livable Fl.Area FAR	Variable 34.32 %		40.21 %	5.89%
Lot Frontage	100'		75'	25'
Lot Depth	100'			
Bldg Coverage %	20%		21.85%	1.85%
Impervious Coverage	Variable 32.4%		48.11%	15.71%
Height	28'			
Lot Area.	10,000 sq.ft	9177.72 sq.ft		TECH
Driveway from Prop. Line.	10'			

The applicant proposed to construct a new single family home at the above address
The application was carried from the Sept. 22, 2016 ZBOA meeting, as requested by the applicant..

Mr. David Watkins introduced himself as the attorney representing the applicants. There are 2 witnesses tonight. There is no developer. The applicants lived in Cresskill for 18 years, they have 3 kids. They want to build a new house. Mike Hubschman will testify on the nuts and bolts of drainage. Roger Niscia, as licensed professional planner, will testify as to the 'D' variance and how the 'C' variance is subsumed into the 'D' variance.

Mr. Mike Hubschman was sworn in and gave his credentials.

Mr. Hubschman presented an areal Google map of the area, marked A-1, and the colored version of the site plan, marked A-2.

Mr. Hubschman described the site plan: a 1 ½ story house with a 2 car detached garage in the rear with a circular driveway and a paved area to the rear lot.

Mr. Watkins said that the applicant is proposing to raze the existing site and construct a single family residence.

Mr. Hubschman said the applicant is proposing to remove all the existing structures and construct a new single family dwelling.

Mr. Hubschman said the lot is undersized and under width. It is 9177 sq.ft and is rectangular. The topography is steep from left to right (east to west) from elevation 86 down to elevation 82. The house is designed with the garage in the basement on the low side of the lot. East Madison also slopes about 4' to 6' in front.

Mr. Watkins asked what impact does that have on the garage in the basement.

Mr. Hubschman said a higher foot-print and the garage in the basement does not get excluded from the FAR. If the garage were on the first floor it would then be excluded from the FAR. The 440 sq.ft.

Mr. Hubschman said we are about 500 sq.ft. The architect's design has the FAR at 552 sq.ft in excess.

Mr. Watkins said because of the topography the garage is in the basement and we cannot exclude it from the FAR

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Mr. Hubschman reviewed the other variances. Because of the narrowness of the lot, the proposed side yard is 9.75' on the left side of the house. The side yard widens to the rear- its 15.5' in the east. The property angles.

Mr. Watkins said its not a rectangular lot, it skews. It is larger in the rear, where we comply with the ordinance.

Mr. Hubschman said its 75' in the front and 91' in the rear. Its not 100' any place on the lot.

Mr. Hubschman said to the east there is a very large lot – lots 37 and 38- and there is a small house that's more than 100' away. There is a slop on the lot, so that house is quite a bit higher than our house. The existing garage is pretty close to the line.

Mr. Watkins said we are increasing the open space.

Mr. Hubschman said because of the garage. In the rear there is a total side yard proposed and we added the front. The 22' on the right side is parallel to the right property line, so the total is 31.75', 35' is required- it does angle to the 35'.

Mr. Watkins said the configuration of this lot, necessitates the variance relief

Mr. Hubschman said on a 100' lot minus 35' you could have a 65' wide house. Our house is 48.6' so..

Mr. Watkins said the existing conditions- maximum building coverage currently 24.57, we are reducing that ?

Mr. Hubschman said we are still requesting a variance slightly over, but we are reducing it by 3%. The Impervious existing is 50.3%, we are reducing it to 48.1%. We are proposing 2 seepage pits on the side yard.

Mr. Watkins said what currently exists on the site for drainage.

Mr. Hubschman said everything sheet flows off site or towards the rear.

Mr. Watkins said based upon your analysis and the seepage pits is there a positive impact on the drainage for the house and the surrounding area.

Mr. Hubschman said we are reducing Impervious plus adding 2 storage pits- there is an increase in the drainage facilities.

Mr. Hubschman said from the Zoning stand point , we are on a narrow lot on the side of a hill, have the garage is under, across from Oak and on a hill- so you wouldn't want cars to back-out onto the road.

Mr. Watkins said the existing conditions versus what is proposed is actually a reduction in the existing variances on the subject site.

Mr. Hubschman said there is a reduction and because the garage is under.. there is a hardship associated with the narrowness of the lot. You could not have a side garage and a 35' total side yard.

Mr. Kassis asked what is the existing building coverage ?

Mr. Watkins said 24.57% and we are going to 21.85% The existing FAR 33.56%.
The Impervious is 50.3% going down to 48.1%.

Ms Furio asked the driveway, coming off and turning into the garage area- the overall, if you can move slightly west to minimize the size of that paved area.

Mr. Hubschman explained why he could not change the configuration.

Ms. Westerfeld asked if the circular driveway was contributing to the Impervious Coverage.

Mr. Watkins said we analyzed it. Could we get rid of it, yes.

Mr. Hubschman said we talked to the owner about that. We could get rid of the leg but we would still have to leave some small corner.

Mr. Kassis asked to see the houses on the Google map (A-1) with circular driveways.

Mr. Hubschman identified 2 other houses besides the applicants' with circular driveways.

Mr. Kassis said that on the entire street there were only 2 houses with circular driveways.

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One would argue that there was no need for a circular driveway if only 2 houses on the entire picture had circular driveways. This would not be a usual circumstance for that street it actually would be an unusual layout for that street.

Mr. Watkins said that he had spoken to the owner, that does not seem to be an issue for the applicants. **Mr. Hubschman** calculated that modifying the driveway would result in 42% (500 sq.ft) of Impervious Coverage.

Mr. Watkins said that if the board would approve the application we are prepared to consent to that. **Mr. Hubschman** described how they would implement the modification of the driveway to decrease the impervious coverage by 500 sq.ft.

Mr. Hubschman said that the area in the back was a turn out area.

Ms. Furio said could you explain again how you got the 5.89% FAR variance. You said that because the garage was in the basement. Where else could it be ?

Mr. Hubschman said if you attach it to the house you lose 400 sq.ft of living area.

Ms. Batistic asked do we have architectural for this. Did you submit the plan?

Mr. Watkins said that the plans were submitted.

None of the board members had received a copy.

Mr. McCord asked what size of a house is there currently.

Mr. Hubschman said 3200 sq.ft with an FAR of 33%.

Ms. Batistic asked what is the proposed paver for the driveway ?

Mr. Hubschman said probably macadam or pavers.

Mr. Merzel asked how close is the driveway to the edge of the yard ?

Mr. Hubschman said presently there is a wall there one foot off the edge on the right.

Mr. Merzel asked what is the Zoning requirement in Cresskill for that ?

Mr. Hubschman said 10' from the property line. The existing is probably 5'.

Mr. Merzel said the requirement is 10' and you are proposing to do it at 1'.

Mr. Hubschman said that's at the front. The turnout is at the left. The turnout area is 5' in Cresskill. I will have to look it up.

Mr. Merzel said that it should be part of the application.

Mr. Hubschman said they would have to amend the application.

Mr. Hubschman because of the slop of the lot we want to put the garage under on the right side.

Mr. Corona asked how big was the garage ?

Mr. Hubschman said it's a 3 car garage and its 21' deep.

Mr. Merzel asked the current existing garage is a 2 car garage in the back ?

Mr. Hubschman agreed.

Mr. Merzel asked do you know any homes in Cresskill with a 75' wide lot that have 3 car garages ? Is that something that is common ?

Mr. Hubschman said he had not studied that.

Mr. Merzel said that he had never seen one. Is a 3700 sq.ft home common on a lot of this size. What is the existing size of the house without the garage ?

Mr. Hubschman said about 2800 sq.ft without the garage.

Mr. Kassis said in your professional opinion, looking at the current house configuration its pretty conforming to Cresskill's Zoning laws in respect to side yards, front, rear, the placement of the auxiliary structure, with the exception of the distance between the driveway and the property line. For the most part that house is pretty conforming except for the lot size.

Mr. Hubschman agreed.

Mr. Kassis said we are going from a conforming lot to something that requires numerous variances.

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Mr. Watkins said that is not accurate. We are reducing Coverage from 24.57% to 21.85%'. We are reducing the Impervious from 50.4% to 42%.

Mr. Van Horne said lets wrap up the questions for the engineer.

Mr. Merzel said that he wanted to ask about the height. The height is shown at 27.9' and this lot is not flat, how is it calculated ?

Mr. Hubschman said the ordinance requires that the height be taken at the 2 corners of the front.

Mr. Hubschman explained, using the drawing, how the height was calculated.

Mr. Merzel asked without a planter nor woodchips ?

Mr. Hubschman said there was none.

Ms. Batistic asked there are 2 window wells. We don't have architectural. Are these egress ?

Mr. Hubschman said there is a maid's room in the basement and a rec. room.

Ms. Batistic said those rooms and areas in the basement are not part of the FAR.

Mr. Hubschman said they are not.

Mr. Kassis said you did talk about a proposed grade change. Was an application put in for a grade change ? You are raising the front to level off with the street.

Mr. Hubschman said that they were changing some of the grade for the driveway.

Mr. Kassis said we are more concerned about the front because we are talking about the height. We have had a number of applications, one of which you are familiar with. In that application there was talk about a proposed grade and yet there was no proposal for a grade change. Now we have an application with a proposed grade change, that we are hearing about only when we were asking about the height of the structure. There is going to be a grade change. Without the grade change the house would be higher than permissible.

Mr. Hubschman said without the grade change it would be a little higher. We could lower it by 1' to 1.5'

Mr. Kassis said we've had this issue come up and you are very familiar with it.

Mr. Watkins said we could resolve the issue by lowering the house.

Mr. Hubschman said the grade change was minimal.

Ms. Westerfeld asked if you took away the 2' would that take away the basement calculation ?

Mr. Hubschman said it would, but probably would not affect it because the only part that's exposed is the garage that is only 25%.

Mr. Roger Niscia, Professional Planner, was sworn in.

Mr. Niscia testified that he had reviewed the plans and the application. The application is a proposal to redevelop a single family property. The redevelopment will entail constructing a new home.

There are certain bulk variances that are required. I reviewed the Zoning and the Master Plan. I also inspected the site . There are certain existing conditions on the site that will have an affect on the existing use of the lot and the proposed. The existing characteristics. The dimensions of the lot are 75' in width by 110' in depth. But its slightly irregular in shape. Its not a total and complete rectangle. So the area is 9177.72 sq.ft. The site has a one-story frame residential building. There is also a rear detached garage to the left. The site access is by 2 driveways. There is the circular driveway in front and on the left the driveway extends to the rear where the existing garage is. The site slopes from left to right or east to west. It also slopes from front to rear. The far southwest corner is the low point. Mike described how the drainage is conducted towards the street, towards the west and towards the rear.

There is no storm-water management system. The run-off is directed by gravity to the low spot.

The sides of the house are in excellent condition. But the floor area of the house is relatively small to accommodate the applicants' family that has been there for 18 years. They now have kids and the house is not adequate in size. It is significant that the total Impervious coverage of buildings on the site

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and pavement, is over half the site more than 50%. I mention that in connection with the fact that there is no Storm Water management System. So there is no drainage control. Abutting the house on the left, is another single family home up the hill. That house has a very large lot, and the actual structure is in the excess of 100' from the property of the subject site. To other side on the right is another single family house, and that has a set-back of 18' from the subject property. Mike described the placement of the new house and all of the physical characteristics – size, set-backs and so on. In looking at the intent of the Master Plan, what is being proposed which is not only the house but is also a moderate house, with a Storm Management System, and also has the feature of having the garage access from the side which is not the front elevation nor the streetscape. So there is no garage door and no parking in the front.

Mr. Watkins asked in Cresskill's Masterplan, does this proposal does presumptively meet quantitative and qualitative summarily criteria.

Mr. Niscia said yes. The goal is to preserve and enhance the residential character of the community. The proposal would represent a moderate upgrade in living accommodation for a family. That leads to the next goal to maintain the predominant median density residential fabric, while simultaneously continuing to permit a more varied housing supply to accommodate a broad range of the population including small one families, individuals, growing families, and so on. While its very significant that this property has met 2 of these intents. It started out with a very small family and now with this proposal, the same property is addressing the intent of meeting the needs of growing families.

Mr. Watkins said there would be a decrease in Coverage and a minor increase in FAR.

Mr. Niscia said under section 70 C of the municipal Land Use Law, criteria for granting Bulk Variances, such as requested, are explained in this graph. In my opinion, this application meets 2 of the criteria. Criteria under paragraph C allows the board to grant bulk variances where physical characteristics of the site that create the need for a variance. That is commonly called a hardship justification. The second way the board can grant the same Bulk Variances under paragraph C-2, which requires the applicants to show that there are Planning benefits associated with approving the variances. Those benefits for approval of the variances exceed any substantial detriments, not detriments but substantial ones.

Mr. Watkins said that under the Randolph Town Center decision under which....

Mr. Niscia said under the Randolph Town Center Court decision, because the Land Use Law does not have any criteria that directs the justifying a variance in Floor Ratio, the court has established a criteria. The court is saying if the applicant exceeds the Floor Area Ratio standard, what the applicant has to demonstrate is that despite not meeting that Floor Area Ratio standard, the site is still able to accommodate the use, or in this case, the size of the house that is being proposed. In my opinion, the application does meet that criteria. For example, typically if you would judge that the proposed house is over-sized and cannot be supported by the building lot. That would manifest itself in terms of not enough parking, not enough site open space, and with Drainage. Obviously if you cover a site with buildings and pavement that will effect drainage. In this particular case, these problems will not occur. As a matter of fact, the problems are being improved. The 3 car garage that is hidden away from the streetscape, that will also allow visitor parking of the same magnitude also to be hidden. There is a larger looking area in the rear back yard. The back yard now is about 1300 sq.ft., the proposed is 2000 sq.ft. There is more out door living space. And of course, it is also important that now, even though the Impervious Coverage is decreasing, there will be a Storm Water Management Plan that will further improve drainage not just for the site but for the surrounding properties. So these problems will not occur on the site. So, this does demonstrate that certainly the site is able to support the size of the house that is being proposed. I don't believe there is any impairment at all, in any way, because of course we have a permitted use. We have a use that is meeting the intent and goal of the Master Plan

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that specifically states that the purpose of Planning and Zoning in Cresskill to accommodate growing families among other size families. The variances, the Bulk variances, really don't take the size and shape of the property, the set-back and so on, and of course, as I explained, the Floor Area Ratio variance can be justified consistent with the court mandate criteria.

Mr. Watkins said there is also significant reduction in existing conditions for maximum Building Coverage. There is significant reduction in the Impervious . Please explain why this should be approved.

Mr. Niscia said because the application meets the criteria that the court has established to justify and approving the variances for Floor Area Ratio, and that variance approval includes both variances which also can be justified on the basis of Section 'C' standards under C-1 and C-2

Mr. Watkins said if it were a rectangular lot the variances would not exist.

Mr. Niscia said that is correct. If you look on the other side where it says regular where the building is parallel to the property line...

Mr. Watkins said if you take this portion out there is a decrease in Impervious and Building..

Mr. Niscia said yes and more

Mr. Watkins said the positives clearly outweigh any negatives

Mr. Niscia said there really aren't any substantial negatives that would have any impact on the site and on any surrounding properties in the area. The existing conditions do have an impact because there is no way to control drainage. So even doing nothing would have more of an impact than the proposal.

Mr. Watkins thanked Mr. Niscia.

Mr. McCord asked testimony – this is a growing family- how many are in the family ?

Mr. Watkins said that the family had 3 kids, had lived in Cresskill 18 years, and wanted to stay in Cresskill.

Ms. Baticic asked about the side yard set-back. Mr. Watkins said that if it was a rectangular lot you would comply. But if it were a rectangular lot you would have the same width as in the front you would have at both ends 75'.

Mr. Watkins said the point I'm trying to make is that although we do not comply here (in front) we do comply in the rear.

Ms. Baticic said the testimony was that because its irregular we have the drawing point 75 but the existing house has 25'. The existing lot to the east is a big lot, could it be subdivided ?

Mr. Niscia said no. It shows on the Tax map that the parcel was made up of 2 lot numbers. One lot is 75' in width that does not meet the requirement. In other words that lot is required to be attached to the lot further to the east because they are the same property, they cannot not be separated.

Ms. Baticic and Mr. Niscia discussed whether the existing large lot to the east could be subdivided with the addition of a part of the next lot. Mr. Niscia said that was not possible. Mr. Watkins said anything can happen.

Ms. Furio said you are saying if the lot were rectangular then you would conform and Margit is saying you are basing the rectangle on the back what if it was a rectangular based on the front, then you would have a problem.

Ms Furio asked if there was a covered concrete patio to the right South West corner, and there are steps going from the driveway ?

Mr. Hubschman said it would be taken out.

Mr. Kassis said if you look at the back seepage pit, immediately to the left, there is a line going up and down the page..

Mr. Hubschman said that is the proposed grade. Shows elevation above sea level.

Mr. Kassis said looking at the application, the structure there is not clearly defined whether it's a retaining wall. It just shows a line. It's a proposed grade change with some type of wall ?

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Mr. Hubschman said it's the proposed grade.

Ms. Furio asked is anyone in the audience for or against this application ?

Mr. Corona asked how big is the proposed over-hang on your plan ?

Mr. Hubschman said this is the 1st floor that comes over the garage, its 22'. Its 2 story living space.

Mr. Merzel asked why the garage was on the side and not in the front ? I see that on corner properties with 2 front yards. I see that in some homes that have 100' - 120' frontage. Its rare to see a side access to a garage on a lot of this size.

Mr. Watkins said aesthetically we felt it was better.

Mr. Merzel said it comes at a cost.

Mr. Watkins said its not a variance of your ordinance, if anything it's a waiver. It's a waiver unless you change the ordinance.

Mr. Watkins explained the difference between a waiver and an ordinance

Mr. Watkins said that Mike said we could re-visit this and get 3'.

Mr. Merzel said could you explain what you are saying- the difference between the driveway and the side yard.

Mr. Watkins said there is a site plan ordinance and there is a zoning ordinance. There is no dimension required from the distance from a driveway to a side-yard. So I can do that. At best it is a waiver'

Mr. Kassiss said your witness said that the distance required between the side-yard and the driveway is 10'

Mr. Watkins said that would be under the site plan ordinance not the zoning ordinance. It's a waiver not a variance.

Ms. Furio said we do not have Architectural plans.

Mr. Watkins said they were submitted.

Mr. Van Horne asked does anyone have any questions about the FAR.

Ms. Furio said the Architectural plans are not in our pack. We are looking at the existing house, which you have been in for 18 years and now its small. There's really no big deal about what is going on here. Nothing is really out of the ordinary. What you are planning to put up, because we don't see where everything is going to fall because we don't have the architectural plans, hard to say we discussed the FAR of 5.89% variance which is due to the 3 car garage and overhangs and 9.75'

Has any thought been given to reducing it enough that it falls either within or just slightly over ? I know what everyone wants, but this is what we have.

Mr. Watkins said I am will to re-visit the architecturals to see if we can reduce it. We will see if we can reduce the driveway issue, if we can reduce the house somewhat. I don't want to do a front load(?). I want to carry the application.

Mr. Van Horne said the next meeting is Thurs, Dec. 1.

The application was carried.

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1292 Norberto Szwerdzarf Rotman & Lehavit Lapid 20 Evans Rd Block 202 Lot 5

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'			
Side Yard Abutting/Lot	15'		10.2'	4.8' Approved 6/23/16
Combined Side yards	35'		27.2'	7.8' Approved 6/23/16
Rear Yard Set Back	30'			
Max. Livable Fl.Area FAR	Variable 31.62 %		33.62%	2%
Lot Frontage	100'	90.5'	90.5'	TECH
Lot Depth	100'			
Bldg Coverage %	20%		22.5%	2.5% 0.6% Approved 6/23/16
Impervious Coverage	Variable 30.9%		32.53%	1.63%
Height	28'			
Lot Area.	10,000 sq.ft	9432 sq.ft	9432 sq.ft	TECH
Driveway from Prop. line.	10'			

The applicants were granted approval on June 23, 2016 to construct an addition to their garage, and an add-a-level to the house.

They are before the ZBOA for additional variances for the project.

The application is carried from the Sept. 22, 2016 ZBOA meeting.

Mr. Matthew Capizzi , attorney, 11 Hillside Ave., Tenafly, NJ, introduced himself as representative of the applicant.

Mr. Capizzi testified that the Rotman's were here in summer. They purchased a property and are living there with their family. In summer they came in to seek approvals for 2 functional garage bays and to add a full 2nd story to the dwelling. There were Side-yard set-back variances, and a Building Coverage variance granted at the time. Following the approvals, they sat with their architect to finalize the plan and begin preparing construction drawings. Based upon how the space would function once it was built, they realized it was missing some key elements that would be used every day for the family, such as additional kitchen cabinetry, storage area, a mud room. To solve those issues, an addition to the back of the house, an L shaped one story addition of 180 sq.ft. As a result of that bump-out, we require an up-tick in the Building Coverage , so we need an additional Building Coverage variance, an Impervious Coverage variance and a FAR variance. The 3 variances result from the modification to the prior approval.

Ms. Furio asked for a clarification of the last name of the applicants.

Mr. Capizzi explained that the couple had different last names. On the agenda the name Rotman was omitted.

Ms Stephanie Pantale , architect,70 K Chestnut Ridge Rd. Montvale NJ, was sworn in.

Mr. Capizzi said on the easel you have the 1st and 2nd floor colorized to show the changes made.

Ms. Pantale described how after getting approval for the previous application, the Rotmans decided they required some changes / additions. Ms. Pantale described the changes shown on the plan and the reasons for the changes.

Ms. Pantale said basically what we added increased the Building Coverage from 20.6% to 22.5% which comes to approximately 181 sq.ft. Part of the Building Coverage is the stairs and landing-

1292 Norberto Szwerdszarf Rotman & Lehavit Lapid (Cont) 20 Evans Block 202 Lot 5

45 sq.ft and 136 sq.ft is the bathroom, the pantry and the hall way and part of the closet. Impervious Coverage increased because of the covered porch, the landing and the steps. It went from 30.9%, which is what is permitted, to 32.53% which is the additional 181 sq.ft. The FAR permitted is 31.62%, and we are now at 33.62%, adding 189 sq.ft. The FAR variance went from 0% to 2%.

The elevation changes are on the rear and side elevations. *Ms. Pantale displayed the elevations on the easel.* Everything else is conforming

Ms. Furio said you just squared up the 2nd floor.

Mr. Corona asked is it straight in the back ? Is the eastern corner of the house any closer to the rear property line ?

Ms. Pantale said it is not any further. I lined everything up with what was existing.

Mr. Kassis asked you are not changing the size of the set-back ?

Ms. Pantale said we are within the set-back. We are not encroaching.

Mr. Mike Hubschman was sworn in.

Mr. Hubschman said that he took the 2 site plans from Stephanie's plan- the previously approved plan on the left side and the new site plan -*placed together on one sheet- to show the additions / changes.*

Mr. Hubschman said we are requesting a variance for the FAR because of that small addition is now over by 191 sq.ft. The Building Coverage was increased slightly. The Impervious Coverage is 181 sq.ft over but there is just a modest increase based on those side yards. Everything else complies. We are 33' to the house to the east. The additional coverage is all in the rear. Going thru the areal map, all the lots on Mezzine Drive are all 125' deep lots- the houses are pretty far away from the proposed addition. The house to the left was redeveloped - that is 33' plus about 40' in the rear. The site is able to accommodate those additions without detriment to the neighborhood.

Mr. Capizzi said as far as drainage we will comply with whatever the Borough Engineer requests.

Mr. Hubschman said whatever the Borough Engineer requests. The lot is very level. Whatever is required we will up the supply of seepage pits.

Ms. Furio asked is anyone in the audience for or against this application ?

Mr. McCord made a motion to approve the application as proposed.

Ms. Westerfeld seconded.

Mr. Kassis said he was opposed. All other members concurred.

The application was granted.

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1294 Tal Mamo	22 Merritt Ave			Block 28.01 Lot 9
Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	24.9'	25.2'	
Side Yard Abutting/Lot	15'	9.6'	5.6'	9.4
Combined Side yards	35'	N/A	N/A	
Rear Yard Set Back	30'	13.2'	21.4'	8.6'
Max. Livable Fl.Area FAR	Variable 30 %	14.2%	29.9%	
Lot Frontage	100'	146.66'	No change	
Lot Depth	100'	100'	No Change	
Bldg Coverage %	20%	18%	21%	1%
Impervious Coverage	Variable 30%	27%	34%	4%
Height	28'	17.9'	27.4'	
Lot Area.	10,000 sq.ft	8,400 sq.ft		TECH
Driveway from Prop. line.	10'			

The applicant proposes to construct an addition at the above address.

Mr. Tal Mamo was sworn in.

Mr. Mamo testified that he recently moved here from California with his family. Bought a property in Cresskill and would like to renovate the house.

Mr. Raul Mederos (Imagine Architecture) was sworn in and gave his credentials.

Mr. Mederos testified the property is in the R10 zone. The lot is 8400 sq.ft where 10,000 sq.ft is required. The lot shape is irregular. It is very triangular . So technically according to the definition of width and Cresskill ordinance, technically we have 99.5' of width. The depth requirement is 100' but as you can see the 100' only really happens at the property line where it starts to taper everywhere else. It is not 100' for the most part of the lot. Currently there is a one story single family home on this lot. It has a one car garage. The lighter grey area here on the site plan, on the first sheet of my drawings shows the current foot-print of the house, and the darker grey area shows how we are proposing to modify it on the site. The current house has concrete masonry perimeter walls. At some point in its history they have sided it. We discovered that there are 8" to 12" thick masonry walls on the 1st floor. There is a little sun room connects to the one car garage,. So what we are proposing is to add a 2nd story which is shown by the stash line. The shape here shows the part on the 2nd floor where its open to below. We are also proposing an addition. It comes forward almost 5' but still conforms to the front yard requirements. By conforming to the required FAR, we reduced the master on the 2nd floor over the garage a bit, and this is where the property faces the curving part of the lot, so visually it kind of reduces the bulk of the 2nd floor addition we are proposing over the garage where the master is a bit smaller than what exists on the 1st floor. We are proposing to create a side door to the garage . In this case the side street is the same street its just that the street curves. In working with the curve of the street, it allows us to create side loading garage as opposed to a front loading garage which lends itself to a better looking house in the neighborhood. It's a small house as it is, and somewhat undersized. So in proportion the garage being located on the side, allows the house to be a little bit more proud in spite its small size. In fact, there is an irregular shaped patio, we are proposing to remove that and relocate it more towards the de facto back-yard. One of the difficulties with corner lots is that they don't really have a private or decent amount of back-yard. So we are relocating the patio to where it makes more sense in the small area back there. The 2nd floor addition contains 4 bedrooms. The laundry room is in

1294 Tal Mamo (cont.)

22 Merritt Ave

Block 28.01 Lot 9

the basement. I designed the house to conform to the FAR requirement, and the variances that we are seeking. Cresskill requires us to count the lot area as a technical variance- we are currently undersized at 8400 sq.ft. It's a pre-existing condition. The other variance is a pre-existing condition – there is a slight front yard variance of 0.1'. Where this quadrant above the garage encroaches again 0.1' along this curve. We are not proposing to build anything above that and anything we are proposing on the front here does conform to the set back requirements. Another variance that we are seeking is the side yard. The house as it exists is 9.6' on that side, and we are not changing that. Although we are adding a 2nd floor space along there. In addition, we are also proposing to have the mechanical units on that side. If you look on the site plan at the neighbor's property, it shows there is a masonry wall approximately 3' high and has a 5' high solid wood fence on it. There is a good 8' of barrier/wall providing a buffer where the mechanical units, here on the side, are proposed. The current structure on this side of the property is right now 29' - there is a decent distance between the 2 properties. The reason we are proposing to have the mechanical units on the side, we have this difficult situation because the cornerish condition, we really are limited in our effective back-yard, that private area, so anything we can do to provide more back-yard helps and moving the A/C units away from the yard helps in the situation where the corner is affecting the yard like that. Currently there is a rear yard set-back of 13.6' and that's at the rear of the current one car garage and what is now the powder room. We are not changing the foot-print there- that's a pre-existing condition, but what we are adding is on the 2nd floor. The 2nd floor does encroach into the 30' rear yard line, but again because its extreme wedging of the shape of the lot that leaves little option on the 2nd floor, so that in an attempt to minimize the rear yard, where the 2 properties are closest, in the side yard we have 29', in the rear yard we have 21'. So in an effort to create the most separation between the properties that's where we are stepping in the Master to reduce the bulk not only in the front where it is visible along the curve also between the 2 properties. The next variance we are seeking involves Building Coverage, the requirement is 20%, we are seeking 1% beyond that, 21%. We are adding the front addition. Adjacent to the front addition is a small covered porch and we are filling in ... the shape of the current house is a bit of a 'U' shape and so we are filling that in and making it more rectangular. This allows for the 2 car garage as opposed to the one car garage that currently exists. The covered porch gives the house a little more character. Its not a bigger house and so all these little components helps to spruce it up. The last variance we are seeking is Impervious Coverage. The required is 30%, we are seeking 34%. The components there are the walkway which we made as narrow as is practical, which is 3' wide. Again the patio, we have reduced the size of the current patio by relocating it. The driveway on the side, we reduced it. It funnels towards the street, there is coverage there. Again, going back to the definition of width on this property, its kind of illustrated by the dashed line, its strange to find the definition of width for lots in Cresskill for this property. Normally with a rectangular lot, the width would cut across the house and that would be the width of the property, but here the definition is a little bit different. The reason I bring up width is because Impervious Coverage is based on the width of the property. The more narrow the property, the more Impervious is given, to make up for the fact that there is an under-sized condition. So here, because of the wedge, I believe that it should be considered that we should have a little more relief on the Impervious consideration because of the odd shape, although technically width definition still kinda works.

Ms Furio asked about a feature on the plan.

Mr. Mederos said that its an egress window well for a bedroom that we are proposing to have in the cellar. Its curved in shape because it is a pre-manufactured window well product.

Ms. Furio asked about the grand piano shape around it.

Mr. Mederos said that was the former patio.

1294 Tal Mamo (cont.)

22 Merritt Ave

Block 28.01 Lot 9

Mr. Kassis said you testified that the back side of the property from the building to the building next door was 29' ?

Mr. Mederos said that's right, we had a survey prepared by Chris Lantelme P.E...., according to that survey it measured 29.1 ' structure to structure.

Mr. Kassis and Mr. Mederos discussed the side elevation

Mr. Kassis said you have done a pretty reasonable job fitting this onto this very difficult property. I have some concerns about the appearance of that wall, it may not interfere with my decision, I think that you have done such a nice job of all the other exposures, is there any consideration of may be putting another window or two on that side ?

Mr. Mederos said there isn't much visibility on that side. We definitely can add a window. There is a bedroom that exists here.

Mr. Mamo said that he had no problem adding a window.

Mr. Merzel complimented Mr. Mederos on his design.

Mr. Merzel asked how the height of 27.5' was measured, is there a slop on the property.

Mr. Mederos said there is a slight slop, measurements will be double checked when we get into engineering by Chris Lantelme P.E We are usually very accurate when it comes to these numbers. By the time the 2nd quarter decking is in place Chris will come out to the site with his gear and will show the framers exactly where the ridge needs to be.

Mr. Merzel asked is the 1st floor 9' and the 2nd floor 8' ?

Mr. Mederos said yes.

Ms. Furio asked is anyone in the audience for or against this application ?

Mr. Robert Kurth (21 Merrit Ave, Closter) said there was a problem that was not addressed. That house has a severe water problem. The house has been rented for the last 15-20 years. Every time it rains they have probably about 3' to 4' of water in the basement. I don't know if it has any impact as they go though this building up. He wants to be sure that it is safe.

Mr. Corona asked about seepage pits.

Mr. Mederos said it was not his territory, but it was extremely likely that seepage pits will be involved.

Mr. Kurth said to check the foundation. The house was built in 1951.

Mr. Merzel asked do you live across the street ?

Mr. Kurth said yes

Mr. Merzel asked is your house also built of cinder blocks ?

Mr. Kurth said it was made of cinder blocks with siding around it.

Mr. Corona asked are you keeping all the trees ?

Mr. Mamo said I think so. I'm not planning on taking anything down that I don't need to.

Mr. Kassis made a motion to approve the application.

Ms. Batistic seconded.

The application was granted.

Continued on next page

**Borough of Cresskill
Zoning Board of Adjustment
Minutes Oct. 27, 2016**

Memorializations

1293 Artie & Lynn Toufayan 336 Highland St. Block 114 Lot 34

The applicants were granted the following variances to install an in-ground pool and patio.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'			
Side Yard Abutting/Lot	15'			
Combined Side yards	35'			
Rear Yard Set Back	30'			
Max. Livable Fl.Area FAR	Variable 39 %			
Lot Frontage	100'			
Lot Depth	100'			
Bldg Coverage %	20%			
Impervious Coverage	Variable 30%		37.3%	7.3%
Height	28'			
Lot Area.	10,000 sq.ft			
Driveway from Prop. line.	10'			
Pool Distance from House	15'		15'	0
Pool Distance from Rear Lot line	5'		2'	3'

The three trees on the northern side of the property will not be removed.