

**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes Aug. 22, 2013**

Present: Ms. Furio, Mr. Merzel, Mr. McLaughlin, Ms. Westerfeld, Mr. Corona,  
Mr. Van Horne (Board Attorney)

Absent: Mr. Epstein, Ms. Batistic, Mr. DePalo

The meeting was called to order at 8:05 pm.

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

The minutes of July 25, 2013 were approved.

**1226 Masatoshi Sugio                      40 Kennedy Rd                      Block 208 Lot 6**

The applicant (Raul G. Mederos) proposed to construct an addition with alterations.

Description	Required	Existing	Proposed	Variance
<b>Front Yard Set Back</b>	<b>50 ft</b>		<b>48.40'</b>	<b>1.60'</b>
Side Yard Abutting/Lot	30 ft			
Combined Side Yards	60 ft			
Rear Yard Set Back	75'			
<b>Max. Livable Fl.Area FAR</b>	<b>20%</b>		<b>20.69%</b>	<b>0.69%</b>
Lot Frontage	150 ft			
Lot Depth	200 ft			
Bldg Coverage %	12.5%			
<b>Impervious Coverage</b>	<b>35%</b>		<b>35.9%</b>	<b>0.94%</b>
Height	33 ft			
Lot Area.	40,000 sq.ft			

Mr. Raul Mederos (architect) was sworn in. He is representing the applicant.

**Mr. Mederos** testified that he had prepared the plans for the existing single family residence at 40 Kennedy Rd. located in the R-40 zone. The lot is conforming 200' X 200'. The house is currently under construction with a set of construction documents that he had previously prepared for the lot about a year ago. Since then we have found that there are places in the project for improvement, the house was limited by the FAR, Impervious Coverage, and Front Yard Set Back. The Impervious Coverage variance is needed because we would like to widen the driveway for the 3 car garage- currently under construction. We would like to widen the driveway for a more comfortable entrance and a more natural approach into the garage. The FAR and Front Yard requirement for the main entrance addition that we are proposing at the front of the house. Currently the main part of the house is 50.9' from the front- which is conforming. The front does protrude about 1.5', so it is non-conforming at the moment. The distance currently is 49.4'. We are proposing to extend that by one foot so that we can add a stone veneer and push out the wall enough that it ties into the design of the garage. The garage has a 2' break between the garage phase. We would like a 2' break also at the main entrance. We are asking for a foot so that it has more announcement as the main entrance. It also gives a nicer roof covering coming in which is more inviting. Eisenhower Dr. intersects Kennedy Rd. and it runs towards the house so I think its important that the house ends up looking very nice. The additional foot amounts to 2% of the 50' front yard requirement. In terms of the FAR, this front yard protrusion amounts to 38 sq.ft. The 3<sup>rd</sup> and last variance has to do with a 2<sup>nd</sup> floor addition

**1226 Masatoshi Sugio (cont.)                      40 Kennedy Rd                      Block 208 Lot 6**

and that only involves FAR. Currently there are walk-in closets located at the front right as part of the master bedroom suite. They are underneath the roof and awkward. We are proposing to pop up the roof there to a comfortable height for a comfortable walk-in closet. Also, this will mimic the roof currently under construction. It will provide a nice balance for the main entrance. In terms of the impact of light and air, what we are proposing is fairly modest.

**Mr. Mederos** *submitted a document (marked A-1) that showed before and after.*

**Mr. Mederos** said that the submission shows the previous property survey before the current construction began, and the next 3 pages shows the previous state of the house, the state of the house that is currently under construction, and the 3<sup>rd</sup> page is the state of the front of the house which we are seeking variances for. The last page shows a map where Eisenhower comes in towards the house.

**Ms. Furio** said looking at the house, the very far right is where you intend to pop the roof to make the walk-in closets more accessible.

**Mr. Mederos** agreed.

**Ms. Furio** said in between the garage and the home there is a sliding door entrance.

**Mr. Mederos** said over the top of the front door is a large transom window. Currently there is a sloping roof with 2 side lights and we want to maintain the natural light inside the foyer.

**Ms. Furio** said that is the additional foot that you are asking for.

**Mr. Mederos** agreed.

**Ms. Furio** said that the height that you are popping up is not going above the height of the rest of the house.

**Mr. Mederos** agreed. The main roof is lower than 28'.

**Ms. Furio** said the distance of the front door currently from the line is 49.4'

**Mr. Mederos** said that's the part that surrounds the front yard. Currently its similar to what is proposed now where the front door is within the covered portion. The actual front door is about 3.5' or 4' currently, and what we are proposing is 4' from the front door to the entrance form which protrudes an additional foot.

**Ms. Furio** said which is 48.4' (set back).

**Mr. Mederos** agreed.

**Ms. Furio** said the extra FAR is because you are popping the roof in the closets.

**Mr. Mederos** said the previous FAR was just below the maximum. Now with the 38 sq.ft of the front entrance, the 188 sq.ft which is the walk-in closet, there is 18 sq.ft on the 2<sup>nd</sup> floor in the back because of the current roof arrangement.

**Ms Furio** asked the Impervious- how much more are you expanding the driveway to accommodate the 3<sup>rd</sup> door.

**Mr. Mederos** said that they are proposing 431 sq.ft which is less than 1% of the total.

**Ms. Furio** said it is on an angle from the street. By making it wider there is more of a turn to get out.

**Mr. Mederos** said we are keeping the 20' curb cut, and just widening at the house to fit to the garages.

**Mr Merzel** said that he does not understand the explanation for the Front Yard Variance.

**Mr. Mederos** said design wise it ties together the entire picture. The garage has a 2' break and now we are introducing a 2' break at the front door. Just adding that one extra foot gives a nice amount of depth to the front, and makes it less flat. We felt that it was a modest request for an R-40 zone. It does make an aesthetic improvement.

**Mr. Merzel** asked what would be the equivalent if this was in the R-10 zone where 25' Front Yard Set-Back is required.

**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes Aug. 22, 2013**

**1226 Masatoshi Sugio (cont.)                      40 Kennedy Rd                      Block 208 Lot 6**

**Mr. Mederos** said the equivalent would be half as much, but those houses are much more limited. A larger home, like this, aesthetically, proportionally, the 2' makes sense.

**Ms. Furio** said its currently one foot, you are adding an extra foot.

**Mr. Merzel** said the variance requested is 1.6'. Of the 1.6' you are saying that 1' already exists

**Mr. Mederos** said its currently 49.4'. It is currently non-conforming by 0.6'.

**Ms. Furio** asked if there was anyone in the audience for or against this application.

**Mr. Van Horne** asked Mr, Mederos to present his credentials.

**Mr. Mederos** presented his credentials.

**Ms. Furio** said for a home of this scale the variances are minimal. The one that concerns Mr. Merzel and me is the Front Yard Set-back. Based on where the home sits because you are coming directly at it and there is a cul de sac, I don't think that the 1.6' will have any detriment to the line of sight.

**Mr. McLaughlin** said that he had looked at the property and that he agrees with Ms. Furio.

**Mr. McLaughlin** made the motion to approve the application.

Ms. Westerfeld seconded.

Mr. Merzel voted against approval, the other board members voted for approval.

The application was approved. .

**1227 Leet Homes LLC                      194 9<sup>th</sup> Street                      Block 32 Lot 405**

The applicant proposes to construct a 2-Story Addition

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
<b>Front Yard Set Back</b>	<b>25 ft</b>	<b>12.25'</b>		<b>12.75'</b>
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>8.3'</b>		<b>6.7'</b>
<b>Combined Side Yards</b>	<b>35 ft</b>		<b>27.96'</b>	<b>7.04'</b>
Rear Yard Set Back	30'			
Max. Livable Fl.Area FAR	(variable)			
<b>Lot Frontage</b>	<b>100 ft</b>	<b>75'</b>		<b>25'</b>
Lot Depth	100 ft			
<b>Bldg Coverage %</b>	<b>20%</b>		<b>23%</b>	<b>3%</b>
Impervious Coverage	(variable)			
Height	28 ft			
<b>Lot Area.</b>	<b>10,000 sq.ft</b>	<b>7500 sq.ft</b>		<b>2500 sq.ft</b>

**Ms. Jaclyn D'Arminio** council for the applicant said she had one witness: Raymond Hartwick, architect.

**Mr. Raymond Hartwick**, architect, was sworn in.

**Ms. D'Arminio** testified that it is an undersized lot with an odd topography with an existing non-conforming structure and a detached 2 car garage. The application consolidates the structures on the site, bringing the 2 car garage to the house.

**Mr. Hartwick** said that the lot is 7500 sq.ft where 10,000 sq.ft is required, It is deficient in lot width- 75' where 100' is required. The property slopes from the street to the rear yard

**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes Aug. 22, 2013**

**Page 4 of 10**

**1227 Leet Homes LLC (cont.)                      194 9<sup>th</sup> Street                      Block 32 Lot 405**

approximately 5.5' to 6'. Presently there is a 144 sq.ft one family structure on the lot with a separate 2 car garage. On the 1<sup>st</sup> floor of the house all the rooms are of modest size- living room, dining room, small kitchen, there is a family room / bedroom in the back with a full bath in the back. On the 2<sup>nd</sup> floor there is 2 bedrooms and a bath. The house was built in the 40's. Years ago aluminum siding was used to cover the cedar shakes. The detached 2 car garage is concrete block structure that does not go with the character of the colonial main house. The garage is in disrepair some areas need repointing and painting. The yard is over-grown throughout. There is some nice foliage in between the 2 properties, one to the north and one to the south.

**Ms. D'Arminio** presented 2 pictures of the properties- marked A-1 and A-2'.

**Mr. Hartwick** said on the first floor we are going to leave the entire structure along the street and to the north end of the property. We are going to renovate the 1<sup>st</sup> floor, create a new entry. The rest of the 1<sup>st</sup> floor will be an alternative floor plan, with kitchen and dining room in the rear and a family room going further to the east. There is a small deck off the family room. We will be adding a new 2 car attached garage. It will be the same size garage shifted over about 6' off the property line. Upstairs we are going to create 3 bedrooms and 2 full baths.

**Mr. Hartwick** said on the 1<sup>st</sup> floor the west wall and north wall will remain, and a good portion of the east wall. On the 2<sup>nd</sup> floor we are keeping the north wall, the west wall, ¾ of the east wall, and the south wall we will make a connection to the new bedroom above the garage.

**Ms. D'Arminio** said that the foot print will remain the same but for moving the garage over.

**Mr. Hartwick** agreed.

**Mr. Hartwick** said that the northern side yard and the front yard set back are existing non-conformities. On the north side the variance is 8.3', and it will remain 8.3'. The front-yard existing is 12.25' and that will remain unchanged. The southerly side yard is presently at 14.2' to the detached garage, it will be increased to 19.66'. The southerly side yard will be brought into conformity. The total side yards of 35' is required. It is presently at 22.5'. We are going to increase that to 27.96' - closer to conformity.

**Mr. Hartwick** said that for Building Coverage 20% is permitted. Existing is 19.5%. We are proposing 3%, which is a function of the small deck at the rear of the property. Because of the 5' drop-off to the rear, a patio would be very inconvenient. It is behind the house so that no one will see it from the street.

**Mr. Hartwick** said as for impact on the neighborhood: on the north side there is no change at all; on the south side we are increasing the space between which will be additional light and air. It will fit in with the character of the neighborhood.

**Mr. Hartwick** said we are not going over Impervious Coverage or FAR. We are underneath those numbers. This is not an over-use of the lot.

**Mr. Van Horne** asked for Mr. Hartwick's credentials. Mr. Hartwick gave his credentials.

**Ms. Furio** where is the curb cut in relation to where the garage is and where it will be when you attach the garage.

**Mr. Hartwick** said that the site plan shows that the curb cut will be moved about 5'.

**Ms. Furio** said that it will remain the same width.

**Mr. Hartwick** agreed.

**Ms. Furio** said the existing front yard set-back is not changing at all.

**Mr. Hartwick** agreed.

**Ms. Furio** said the covered porch remains- you are just changing the façade.

**Mr. Hartwick** agreed.

**Mr. Corona** asked if they were redoing the porch.

**Mr. Hartwick** said that they were.

**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes Aug. 22, 2013**

**1227 Leet Homes LLC (cont.)                      194 9<sup>th</sup> Street                      Block 32 Lot 405**

**Ms Furio** asked about the walkway and stairs.

**Mr. Hartwick** said that the stairs will be centered on the porch. The entrance door will be in the center of the porch.

**Ms Furio** said that the walkway will be removed, what affect does that have on the Impervious.

**Mr. Hartwick** said it is the same size walkway just moved over. The impervious remains the same.

**Ms. Furio** said you are going straight up over the existing home.

**Mr. Hartwick** explained that they were going straight up over the attached garage.

**Ms. Furio** asked if there was anyone in the audience for or against this application.

**Mr. Corona** requested that Mr. Hartwick explain the Building Coverage.

**Mr. Hartwick said** we are proposing that the Building Coverage be 3% over. The deck is counted in the Building Coverage. The deck is at the same level as the family room and kitchen.

Mr. Corona made the motion to approve the application.

Mr Merzel seconded.

The application was approved. .

**1228 Refined Homes LLC                      19 Elmwood Terrace                      Block 189 Lot 8**

The applicant proposed to construct an addition.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>12.10'</b>		<b>2.90'</b>
<b>Combined Side Yards</b>	<b>35 ft</b>	<b>27'</b>		<b>8'</b>
Rear Yard Set Back	30'			
Max. Livable Fl.Area FAR	(variable)			
<b>Lot Frontage</b>	<b>100 ft</b>	<b>80'</b>		<b>20'</b>
<b>Lot Depth</b>	<b>100 ft</b>	<b>98.60'</b>		<b>1.40'</b>
<b>Bldg Coverage %</b>	<b>20%</b>	<b>21.18%</b>		<b>1.18%</b>
Impervious Coverage	(variable)			
Height	28 ft			
<b>Lot Area.</b>	<b>10,000 sq.ft</b>	<b>7,888 sq.ft</b>		<b>2,112 sq.ft</b>

*Applicant submitted proof of publication before the hearing*

**Mr. Mark Flusche** introduced himself as attorney for Refined Homes LLC. He is not a member of the LLC.

**Mr. Raul Mederos** (architect) was sworn in. He is witness for the applicant

**Mr. Flusche** testified that the application was for variances required for the renovation of a single family home. The lot is undersized. The frontage, depth, lot area, side yard set backs variances are all existing conditions that are proposed to remain the same. The house will be pushed back and up. With no required change in the set-backs of the front or the rear. No increase in either of the existing side yard set-back encroachments.

**Mr. Mederos** testified that the current single family is 1.5 stories. The 2<sup>nd</sup> story is mainly a roof-finished attic. We are going to add a 2<sup>nd</sup> floor addition and a rear 2 story addition, as well as

**1228 Refined Homes LLC (cont.)                      19 Elmwood Terrace                      Block 189 Lot 8**

popping out the front entrance to announce the main entrance to the property. With the additions, we are not making any of the side yard encroachments any worse, but we are conforming with everything new that is being proposed. With the exception of 0.1 foot on the right side of the residence where we are continuing the non-conformance because it is just over an inch. We are proposing a Building Coverage 1.18% over the allowable, which amounts to under 94 sq.ft. All other percentage based requirements are conforming. We need the Building Coverage because on the first floor there was not enough area to have enough proportionate amount of space for the rooms required on a typical first floor for a residence of this scale. Even if we had conformed to building coverage and made the foot print a little smaller, not only would the spaces on the first floor be under proportion (mainly the kitchen) but also it would create a top heavy house. Because the extra footage, allowed to us by the FAR, would spill over to the 2<sup>nd</sup> floor, creating a bit more bulk in the neighborhood, and would probably occupy most of the area over the garage, creating Side Yard variances instead of Building Coverage variances.

We have done a project at 15 Woodland Rd. Construction was completed 1.5 years ago. It is a similar design. I have photos of that house, to give you an idea what the house will look like. That other house was larger in terms of square footage, with a total FAR square footage of 2,723, where here we are proposing to build 99 sq.ft smaller. Of course that lot was bigger.

*The photos were marked A-1 and examined by board members.*

**Mr. Mederos** said in summary, we have several technical variances of existing non-conforming conditions. The main variance we are requesting is the 1.18% (94 sq.ft) of Building Coverage and the minor 0.1' Side Yard variance on the right side of the house. We are extending the second floor right over the first floor.

**Ms. Furio** asked about the Impervious Coverage.

**Mr. Mederos** said the required Impervious Coverage, based on lot size, is 31.9%, which amounts to 2,516 sq.ft. The proposed Impervious on the zoning chart is probably a little less because after we had submitted for the variance we added a patio, which is still conforming, but that might be the discrepancy in the Impervious numbers that you are seeing. Both of those are in conformance.

**Ms. Furio** said here on the notice I have 30.32%, 2392 sq.ft. is the proposed.

**Mr. Mederos** said that after they had submitted they realized that they would like a patio.

**Ms. Furio** said the FAR, also on the sliding scale, 2633 sq.ft., that is still the same. You have 2624 sq.ft..

**Mr. Mederos** said the latest plans were reduced.

**Mr. McLaughlin** asked which walls were remaining.

**Mr. Mederos** said the right side wall, when facing the house, the entire front wall, we are adding the front entrance protrusion, the main front foundation and wall remains. The garage front wall remains. We are converting the one car garage to a two car garage. The entire side wall of the garage remains, the entire back of the garage remains. The majority of the wall we are taking down is in the rear for the addition.

**Ms. Furio** said could you please explain again the Building Coverage and where you felt it was necessary to push that out.

**M. Corona** suggested that Mr. Mederos explain the impact of not exceeding the Building Coverage.

**Mr. Mederos** said the main driving force is the kitchen. For a house of this size the layout of the kitchen is very typical. To make it conform would mean taking 2' across the entire rear addition we are proposing. Which means 2' on the 1<sup>st</sup> floor and also on the 2<sup>nd</sup> floor. That would mean that the depth of the kitchen cabinets, in this case it would mean eliminating one entire row of

**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes Aug. 22, 2013**

**1228 Refined Homes LLC (cont.)                      19 Elmwood Terrace                      Block 189 Lot 8**

either full height pantry or counter space. That would result in limited counter space. The majority of the detriment would be in the kitchen area. It would affect the 2<sup>nd</sup> floor, the location and size of the bedrooms.

**Mr. Mederos** indicated on the plan how the 2’ reduction would impact the design.

**Ms. Furio** asked if there was anyone in the audience for or against this application.

**Mr. Merzel** made the motion to approve the application.

**Mr. McLaughlin** seconded.

The application was approved.

**1229 Greg Berkowitz                      3 Ridge Rd                      Block 4 Lot 13.03**

The applicant proposes to construct a patio and some walls.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft			
Combined Side Yards	35 ft			
Rear Yard Set Back	30’			
Max. Livable Fl.Area FAR	(variable)			
Lot Frontage	100 ft			
Lot Depth	100 ft			
Bldg Coverage %	20%			
<b>Impervious Coverage</b>	<b>30%</b>	<b>28.47%</b>	<b>35.80%</b>	<b>5.80%</b>
Height	28 ft			
Lot Area.	10,000 sq.ft			

*Applicant submitted proof of publication before the hearing.*

*Applicant supplied proof of mailing to Property Owners within 200’.*

**Ms. Furio** said her son and Greg Berkowitz are related through coaching and team. If anyone has an issue with this, she will recuse.

*No one objected to Ms. Furio sitting on the board for this application.*

**Mr. Hubschman**, architect for the applicant, gave his credentials and was sworn in.

**Mr. Hubschman** testified that he was here with the applicant, Greg Berkowitz, and the contractor.

**Mr. Hubschman** identified the location of the house. It is on a sub-division completed about 5 years ago. We are proposing a small patio in the rear. The site is presently at 28.47% Impervious Coverage. The patio brings us over the Impervious Coverage by 719 sq.ft., 35.8%. The rear yard is a series of slopes and terraces. It slopes 4 ft in 20 ft .- about 20%. The project is to ease that slope- to create 2 terraced areas. We are proposing a seepage pit to mitigate the drainage. We are adding 2 small basins as seepage pits in the rear. There is a drain pipe easement that runs through lot 13.04. So there is no additional run-off. There are 20’ evergreens surrounding the rear yard . The patio will not be seen by any of the neighbors. Proposed paver patio, keystone walls (maximum height of 4’), small stairs down, there is a sliding door on the rear north east corner out of the basement. Integrate all the levels. There is no detriment to the neighbors.



**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes Aug. 22, 2013**

**Memorialization (cont.)**

**1223 Revital and Yiftah Gadish 51 Carlton Terrace Block 187 Lots 14**

The applicants were granted the following variances to construct three additions, on the condition that a valid, signed and dated survey is submitted to the Building Dept..

*This application was previously approved by resolution dated Mar. 24, 2011 Docket #1185.*

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>12.49'</b>	<b>10''</b>	<b>5'</b>
<b>Combined Side Yards</b>	<b>35 ft</b>	<b>35.39'</b>	<b>22.49'</b>	<b>12.51'</b>
Rear Yard Set Back	30'			
Max. Livable Fl.Area FAR	35.22% (variable)		32.7%	
<b>Lot Frontage</b>	<b>100 ft</b>	<b>70'</b>		<b>30'</b>
Lot Depth	100 ft	110'		
<b>Bldg Coverage %</b>	<b>20%</b>		<b>22.47%</b>	<b>2.47%</b>
Impervious Coverage	32.9% (variable)		32.8%	
Height	28 ft			
<b>Lot Area.</b>	<b>10,000 sq.ft</b>	<b>8,434 sq.ft</b>		<b>1,566 sq.ft</b>

*Application carried from 6/27/2013.*

**1224 Rino Minetti 10 Ridge Rd Block 3.01 Lot 8**

The applicant was granted the following variances to construct a deck.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft			
Combined Side Yards	35 ft			
<b>Rear Yard Set Back</b>	<b>30'</b>		<b>16.34'</b>	<b>13.66'</b>
Max. Livable Fl.Area FAR	(variable)			
Lot Frontage	100 ft			
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	(variable)			
Height	28 ft			
Lot Area.	10,000 sq.ft			

**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes Aug. 22, 2013**

**Memorialization (cont.)**

**1225 Agron Ndrejoni                      66 Carleton Terrace                      Block 188 Lot 7**

The applicant was granted the following variance: to widen the driveway to 5.8' of the property line where 10' is required..

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Front Yard Set Back	25 ft	32'	32'	
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>13.5'</b>	<b>13.5'</b>	<b>1.5'</b>
<b>Combined Side Yards</b>	<b>35 ft</b>	<b>25.2'</b>	<b>25.2'</b>	<b>9.8'</b>
Rear Yard Set Back	30'	50'	50'	
Max. Livable Fl.Area FAR (Variable)	34.32%	20.68	20.68'	
<b>Lot Frontage</b>	<b>100 ft</b>	<b>75'</b>	<b>75'</b>	<b>25'</b>
Lot Depth	100 ft	120'	120'	
Bldg Coverage %	20%	19%	19%	
Impervious Coverage (Variable)	32.4%	24.89%	31.50%	
Height	28 ft	18'	18'	
<b>Lot Area.</b>	<b>10,000 sq.ft</b>	<b>9,500</b>	<b>9,500</b>	<b>100'</b>