

**Borough of Cresskill
Zoning Board of Adjustment
Minutes Dec. 05, 2013**

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

Absent: Mr. DePalo, Mr. Epstein

The meeting was called to order at 8:10 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 Oct. 24, 2013 were approved.

1232 Amelia R. Romeo 81 Heather Hill Rd Block 1.03 Lot 40

The applicant would like to construct additions and do some alterations

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft		11.0'	4.0
Combined Side Yards	35 ft		21.6'	13.4'
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR	variable			
Lot Frontage	100 ft	75'		25'
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	31.9%			
Height	28 ft			
Lot Area.	10,000 sq.ft			

Mr. Raul Mederos, representing the owner, will bring an updated survey to the hearing.

Mr. Raul Mederos of Imagen Architecture was sworn in.

Mr. Mederos gave his credentials.

Mr. Mederos testified that he has submitted plans for 81 Heather Hill Rd. B1.03, L40.

Lot is deep but narrow- 75' thru the entire length. The existing house is a one story single family house, built 50 to 75 years ago. It is in habitable condition, it has a one car garage and a narrow driveway. Currently it is not conforming with the side yard set-backs. The existing side yard set-back is 10.9' on the west side. The application shows 11', but since we submitted the plans for the hearing, we got an up-dated survey from a licensed surveyor and I have those here to distribute to the board. The original survey was very dated. The difference that we found is that the house is slightly tilted on the site. So it is 11' the side yard on the left side at the front but because of the tilt at the back corner it is actually 10.9'.

We are proposing to completely renovate and expand the house; to include a new covered Front porch across the entire width of the main portion of the house; a walkway from the driveway to the front porch steps; a widened driveway for the existing one car garage; a rear paver patio which is 20'4" by 14'; 2 air condenser units on the right side of the house behind the one car garage; an egress area way on the left side to satisfy the fire safety requirements for the bedrooms proposed in the cellar; a fixed masonry stair leading from the cellar to the rear yard for the family's convenience of access to the rear yard.

1232 Amelia R. Romeo (cont.) 81 Heather Hill Rd Block 1.03 Lot 40

Mr. Mederos passed out the updated survey (marked A-2) and a sheet (marked A-1) that updates all the zoning data on the original submitted plan.

Mr. Mederos said that besides the up-dated information from the survey, we are including a stand-by power generator behind the air condenser units. I am allotting 18 sq.ft for the generator. We are well within the Impervious Coverage requirements for this project. The generator will not be placed closer to the property lines than the condenser units. The generator (2' X 4') will be on a concrete pad (3' X 5').

Because the house is tilted on the property, as we expand the house, on the left side towards the rear yard, a variance of 10.8' will be required. The rear corner of the addition will be 1' more than the current rear corner of the house. The combined side yards will be .1' extra as well. The variance sought is 13.5'. The Side Yard variance will be 4.2'.

On the east (garage) side there will be no change, since we don't intend to build over the existing one car garage.

The plan conforms to the Building Coverage requirement by 2.76% . The Impervious Coverage requirement conforms by 6.46%. The FAR requirements are satisfied by over 10%. The Height by approximately 1'. The Rear yard conforms. The front porch conforms to the Front yard requirements by approximately 3". The proposed porch is narrow and modest compared to others, but it enhances the curb appeal of the house. The porch is narrow- 4' in depth.

At the front where the steps are, we are going to come out another 4". That's where the 25.3' Front yard distance comes from. The front porch sticks out 4" just so we can get a more decorative peak and enhance the appeal of the house.

Regarding the driveway, we are proposing a wider driveway to promote additional off-street parking, and also allowing the owners to park in the driveway while still having the ability to drive in and out of the garage. The ordinance says the 10' must be maintained between the driveway and the property line. I am not sure if this applies to a residential project like this. I would like to verify if this applies here, because the neighbor on the left side has a driveway that comes right to our property line. The neighbor on the right has a circular drive that comes very close- guesstimate less than 10'. I illustrated that in the updated A-1 sheets to show the 20' wide driveway.

Mr. Mederos passed out a copy of the section of the ordinance pertaining to driveways.

Mr. Schuster said that a variance would be required for the driveway if it is less than 10' from the property line.

Mr. Mederos said that they will forfeit and skip that (*the widened driveway*)

Ms. Furio asked how high was the egress from the ground. Is it a well with a wall around it?

Mr. Mederos said it is a well. The wall of the well is less than 8". The well will require a hand rail because the difference from elevation to elevation is more than 30".

Ms. Furio asked what is the distance from the edge to the side yard ?

Ms. Furio calculated 7.2' from the side to the well.

Mr. Mederos agreed..

Mr. Mederos said that it was 14' long to satisfy the requirement for the 2 bedrooms.

Ms Furio asked what was currently in the basement.

Mr. Mederos said that the basement is unfinished containing the typical mechanical units.

Ms. Furio said that the floor area on the 1st floor is 1460 and the 2nd floor 1400 , and garage for 2900 sq.ft living space. Why did you not include the basement ? The proposed finished floor area is 922, plus/minus a few things is 1228. So even with the smaller number, your living area is way off the map.

1232 Amelia R. Romeo (cont.) 81 Heather Hill Rd Block 1.03 Lot 40

Mr. Mederos said Living area and Floor Area Ratio are two different things. In the definition of FAR, a cellar does not count towards the FAR number. Because it is 50% more below grade on average, this by definition is a cellar and have anything to do with an FAR.

Mr. Schuster read from the ordinance “ A minimum of 50% of the primary use of such dwelling (exclusive of basement and garage areas) shall be utilized as living space. For such calculation, “living space” shall be defined as the space within the dwelling utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes. “ It depends how much is above or below grade. The Planning board does not consider the basement as living space under normal circumstances. As defined it does not exclude the basement area.

Mr. Mederos said it doesn't apply here because living space and FAR are two different things. In the FAR definition, it excludes basements that are 50% below grade. I have submitted between 10 and 20 projects in town and I have never included the downstairs area where the basement is considered a cellar.

Mr. Schuster asked to review the survey, but Mr. Mederos said that the topography was not on there.

Ms. Batistic asked about the area used in the calculation.

Ms. Furio said it was the width times the first 100 feet of depth.

Ms. Batistic said even if we don't count the basement , 2900/7500, is over the required FAR.

Ms. Furio said to Mr. Mederos you based the FAR using 2900 sq.ft on the entire area of 11,951 sq.ft.

Mr. Mederos agreed.

Ms. Batistic asked if this was also true for the Building Coverage.

Ms. Furio said that she had done the calculation and it conforms.

Ms. Batistic said that the FAR 2900/7500 is 38.7%.

Ms. Furio asked the egress staircase in the back is it covered.

Mr. Mederos said that it was covered but not enclosed.

Mr. Schuster said that the ordinance says that Floor area ratio impervious coverage expressed as percentage of the lot area within 125 feet of the street line.

Ms. Furio said that with 125', the 2900 sq.ft is fine. Have we determined that the cellar is a cellar?

Mr. Mederos said that he is confident that it is 50% below grade. We can follow up with a topography survey and corner elevations, if you wish.

Mr. Schuster indicated that the survey was required.

Mr. Mederos said he will let the engineer know to prepare one.

Ms. Batistic said that they are slightly over the Impervious requirement: proposed is 33.1 and the required is 32.4.

Mr. Mederos asked if the 125' apply to the Impervious as well.

Ms. Batistic said that it does.

Mr. Mederos said that they will make adjustments to conform.

Ms. Furio said that the Impervious has been noted, the Combined Side Yard, the well gets a railing.

Mr. McLaughlin asked if in the amended plan, the generator had been added to the impervious.

Mr. Mederos referred to the areas calculation chart on A-1 where the generator is shown.

Mr. Merzel said even though you are not building on the right side- the 10.7 is smaller than the 10.8, shouldn't you be giving the variance based on that figure, and 4.2 should really be 4.3.

Mr. Mederos said the smaller side yard is 10.6 on the garage side.

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1232 Amelia R. Romeo (cont.) 81 Heather Hill Rd Block 1.03 Lot 40

Mr. Merzel said that it does not bother me –its pre-existing, but if we have to give a variance it must be with the right (smaller) number- which is 4.4.

Ms. Furio said is there anyone in the audience for or against this application.

Mr. Merzel made the motion to approve the application with the following conditions:

The Impervious Coverage will be adjusted to conform.

Mr. Mederos said the Patio will be shaved off a little and the width of the driveway by 100 sq.ft

Mr. Merzel said 4.4 for the side yard variance, 13.5 for the combined side yards . A topography will be submitted to check the basement.

Mr. Mederos said the driveway is approximately 37’ to the garage, if I shave a foot off the driveway width, that’s 37 sq.ft.

Mr. Merzel said that the resolution will say ‘the Impervious will conform’ and you find how you want to do it.

Ms. Batistic said the proposed Impervious is 33.1% and the required is 32.4%.

Mr. Mederos calculated that he needed to reduce the impervious coverage by 80.5 sq.ft., by taking 3’ off the width of the paver patio making it 14’ by 17’; and taking a foot off the driveway.

The commission members agreed on the motion:

- 1) to approve the application with the following conditions:
- 2) the Impervious Coverage will be adjusted to conform
- 3) the Side Yard variance is 4.4’ and the Combined Side Yard variance is 13.5’
- 4) a Topography chart will be submitted to verify that 50% of the basement is below grade.

Mr. Corona seconded.

The application was granted.

1233 Marty Lucibello (Verona Assoc. LLC) 72 Madison Ave Block 38 Lots 91-93

The applicant would like to construct an addition and covered porch.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft	10’		5’
Combined Side Yards	35 ft	20’		15’
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR	variable			
Lot Frontage	100 ft	75’		25’
Lot Depth	100 ft			
Bldg Coverage %	20%		23.11%	3.11%
Impervious Coverage	32.4%		34.44%	2.04%
Height	28 ft			
Lot Area.	10,000 sq.ft	7500 sq.ft		2500 sq.ft
Driveway: distance from Property line.	10’		5’	5’

1233 Marty Lucibello (Verona Assoc. LLC) 72 Madison Ave Block 38 Lots 91-93

Mark Madaio (attorney), at 29 Legion Drive, Bergenfield, introduced himself

Mr. Madaio described the property location.

Mr. Madaio said the application is to add a level to the existing home, conforming to the height and to add a front porch.

Mr. Madaio was sworn in.

Mr. Madaio testified that the existing one and half story brick dwelling will have an add a level to be a 2 story home. A front porch will be built. The front of the house, where the driveway is, will be pushed forward. The garage will be moved forward. That does not change the Impervious Coverage because moving the house forward is on top of the existing driveway.

Mr. Madaio reviewed the variances. The property is 7500 sq.ft. The existing frontage is 75'.

The existing side yards are at variance, when we go up, Cox says that we are technically increasing the side yard variance.

The side yard by the driveway, we propose 5'. Currently it is only 1'. It is supposed to be 10'.

We are reducing the extent of the variance.

We have a Building Coverage variance. Instead of the required 20%, we will be at 23%.

Almost the entire increase in coverage is related to the front porch. We think the porch will fit in with the other houses on Madison.

The maximum Impervious Coverage existed is 34.33 sq.ft. We want 34.44 sq.ft. The difference before and after is 8 sq.ft

Mr. Michael Hubschman (engineer) was sworn in and gave his credentials.

Mr. Hubschman corroborated Mr. Madaio's testimony.

Mr. Hubschman explained the Side yard and Total Side yard variances. We are proposing the front addition to the garage and the covered porch addition.

Mr. Madaio said that the new construction will be conforming, but the old existing construction has a side yard variance which will be continued upwards.

Mr. Hubschman said that we are proposing a full second story instead of the half story.

We are still under the FAR by almost 2%.

Mr. Hubschman said the current Impervious Coverage is 2575sq.ft.

Mr. Madaio said that the application increases the Impervious Coverage by 8 sq.ft

Mr. Madaio presented the colored plans and marked them as A-1 and A-2.

Mr. Hubschman said that they widened the driveway to create a maneuvering area because the driveway because it is backing out onto a busy road.

Mr. Madaio said we are building a front addition, which is a porch and the two car garage.

Mr. Madaio said that we will now have room to make a K-turn which will make it safer to exit out onto Madison.

Mr. Madaio said that the Building Coverage is permitted to be 20%, its existing is 17.84%, and we would like to go to 23% which is 3% over the permitted.

Mr. **Hubschman** said we are 233 sq.ft over, and the covered porch is 199 sq.ft.

Mr. Madaio marked the front elevation as A-3.

Mr. Hubschman said that the remaining 34 sq.ft coverage is the garage addition, so that we can create a room in the rear. The entire side of the house is the garage.

Mr. Hubschman said that the Side Yard and Total Side Yard variances were existing.

Mr. Hubschman described the homes in the neighborhood.

Mr. Hubschman said that for drainage, they are installing a seepage pit- there is none now.

Mr. Madaio said that though they were adding only 8 sq.ft, they are adding a seepage pit to handle the drainage.

1233 Marty Lucibello (Verona Assoc. LLC) 72 Madison Ave Block 38 Lots 91-93

Mr. Hubschman said that the house is run-down and what they are proposing will be an improvement aesthetically – an asset to the community.

Mr. Madaio said variances can be approved under C-1 (hardship) or C-2 (benefits outweigh the detriments). Are we able to do any other expansion of this house which would not require variances to Impervious or Building Coverage.

Mr. Hubschman said from a C-1 hardship it is an existing undersized lot and existing structure. The C-2 aspect is the aesthetics.

Mr. Madaio said that the lot being 25% too small creates a burden.

Mr. Hubschman described the improvements proposed for the property.

Mr. Madaio said that the architectural plan seems to show a structure that is too high, cross it out. We are not here for a height variance over the 28' permitted. We are not seeking a height variance.

Mr. Corona asked how deep is the front porch?

Mr. Hubschman said it is 8' on the outside and 7' on the inside.

Mr. Corona asked about 'dead' zone in bed-room #1.

Mr. Hubschman said it's the Dormer window.

Mr. Corona said that the front bedroom sticks out over the front porch.

Mr. Madaio said we do not need a Front Yard variance.

Mr. Madaio said that the existing driveway comes 1' from the property line, we are making better by moving it 5' from the property line.

Ms. Batistic there are no dimensions shown- how was the Coverage calculated.

Mr. Hubschman said we made a survey. The calculations were made from survey data.

Ms. Batistic said you say that you will comply with the height. Looking at the architectures, there is an over 32' height.

Mr. Madaio said that we are proposing a 28' conforming height. I don't care what numbers are on the plan, we are not seeking height variance.

Ms. Batisite said then ½ of this roof will not be there, how will that look.

Mr. Hubschman presented *a new, corrected, plan (marked A-4) that shows a height of 28.5'* .

Mr. Madaio said that the height of 28.5' will come down a few inches.

Mr. Merzel said that the driveway has a 5' variance. He has a problem with that because the driveway is curved and at a later date, someone could straighten the driveway and run with the 5' variance.

Mr. Madaio said that right now there is a 9' variance.

Mr. Madaio suggested that if that is the driveway you want to see, that will be the driveway that has to be there and that can be in any resolution of approval. Permitting a K-Turn.

Mr. Merzel said that there should be a way of stating the dimensions.

Mr. Merzel asked how much of the patio is existing. Square footage, the new one versus the old one.

Mr. Hubschman said the old one is 487 sq.ft., the new one is 164 sq.ft

Mr. Madaio said the Impervious coverage is 8 sq.ft. greater than the present. We could, if required, take out a strip of the patio to conform to the impervious .

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

Walter Polocosky (186 4th St) asked for clarification of the driveway.

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1233 Marty Lucibello (Verona Assoc. LLC) 72 Madison Ave Block 38 Lots 91-93

Ms. Westerfeld made the motion to approve the application with *The commission members agreed on the motion:*

to approve the application with the following conditions:

- 1) no height variance
- 2) the Impervious Coverage of 8 sq.ft more than the present which is the percentage on the plan of 23.11%
- 3) the driveway to be constructed as drawn on the plan

Mr. Corona seconded.

Ms. Batistic commended the applicant for including the seepage pit and also for the K-Turn driveway onto Madison Ave.

Mr. Merzel commended the seepage pit, and the driveway to be included as drawn.

The application was granted

1234 Leonard Nason (NJR Investment Properties LLC) 150 South St. Block 159 Lot 12

The applicant would like to construct a rear addition, construct a second floor addition, and renovate the house..

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft	10.09'		4.91'
Combined Side Yards	35 ft			
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR	variable			
Lot Frontage	100 ft	75'		25'
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	31.9%			
Height	28 ft			
Lot Area.	10,000 sq.ft	8,156 sq.ft		1,844 sq.ft

Mark Wise introduced himself as attorney for the applicant.

Mr. Wise said this application was for a single family home, built in the 1940's.

Mr. Wise reviewed the variances.

Mr. Wise said everything we plan to do will be perfectly compliant with the code.

Mr. Wise introduced Leonard Mason, the general Contractor.

Mr. Leonard Mason was sworn in.

Mr. Mason testified seepage detailed on the drawing is 3487 gal. capacity. There is no existing seepage pit on the property.

Mr. Mason said that the architect shows a driveway that would require a variance for the side yard, but we are not seeking a variance. We are showing it being constructed at 25' from the garage doors with a total side yard of 29.21', which would only leave 4' . So we will shave 6' off the driveway and make the K-Turn to the rear of the driveway towards the shed. We are re-configuring the drawing.

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1234 Leonard Nason (NJR Investment Properties LLC) 150 South St. Block 159 Lot 12

Mr. Mason said the design lends itself to the area.

Ms. Furio asked if he had a drawing showing the reconfigured drive way.

Mr. Mason said that he did not because he only learned about it today.

Mr. Schuster said you have an existing dwelling and you are putting an extension in the back. I do not see how it can be more conforming.

Ms. Batistic said that she thinks that the existing number is wrong.

There was a discussion among the members of the commission regarding the interpretation of the drawing.

Mr. Mason said that the existing porch will be reduced from 8' to 4'.

Ms. Batistic asked if they were leaving the existing driveway and the curb cut where it is?

Mr. Mason said yes. There is an island on the street (not shown on the drawing) that makes exiting into the street very difficult. That is the reason for the K-Turn.

Ms. Furio said you have 3 existing non-conforming variances.

Mr. Mason said that they are stepping back the 2nd story so that it complies.

Ms. Batistic made the motion to approve the application with

- 1) the 3 existing non-conforming variances- area, lot width and side yard
- 2) the driveway in the front being closer than 10' to the property line
- 3) the driveway in the back will be 10' from the property line with a K-Turn.

Mr. Corona seconded.

The application was granted.

Memorializations

1230 DDA Cresskill Assoc. LLC 134 5th Street Block 49 Lot 627

The applicant (DDA Cresskill Assoc. LLC) was granted the following variances to construct an addition.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	22'	22'	3'
Side Yard Abutting/Lot	15 ft	11'	11.0'	4.0
Combined Side Yards	35 ft	23.8'	23.8'	11.2'
Rear Yard Set Back	30 ft	47.6'	30.1'	
Max. Livable Fl.Area FAR	34.32%	17.34%	34.74%	0.42%
Lot Frontage	100 ft	75'		25'
Lot Depth	100 ft			
Bldg Coverage %	20%	24.69%	21.0%	1.0%
Impervious Coverage	32.4%	30.48%	33.02%	0.62%
Height	28 ft	16'	27.5'	
Lot Area.	10,000 sq.ft	7500 sq.ft		2500 sq.ft

**Borough of Cresskill
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Public Meeting 8 pm
Agenda Dec. 05, 2013**

Memorializations (cont.)

1231 Maria Sarubbi 307 12th Street Block 122 Lot 455

The applicant , Maria Sarubbi , 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	14.3 ft		0.7'
Combined Side Yards	35 ft	29.7 ft		5.3'
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR	variable			
Lot Frontage	100 ft	80'		20'
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	31.9%	31.47%	34.64%	2.74%
Height	28 ft			
Lot Area.	10,000 sq.ft			