



**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes Feb. 27, 2014**

**Page 2 of 7**

**1236 Ramirez / Gomez (cont.)**

**155 Jefferson**

**Block 33 Lots 316**

**Ms. Furio** said there is a lot of concrete that goes all around the house: a walkway, a large pad in the front and another on the other side, concrete that goes all around the perimeter of the house. Is all of that necessary?

**Mr. Ramirez** said no, probably we are going to eliminate most of it. Because in the back we are going to build 12', we are going to remove the patio. The concrete surrounding the house will be removed.

**Mr. Van Horne** asked did you say most or all

**Mr. Ramirez** said all of it. Actually it is in very bad condition.

*Mr. Ramirez displayed A-4 a photo of the back of the house*

**Ms. Furio** asked did you take into account that you are removing all the concrete in the Impervious calculation.

**Mr. Ramirez** said that he had.

**Ms. Batistic** said that on the plan it shows that the Impervious is less for the Proposed than for the Existing, so that they have taken it (concrete removal) into account.

**Ms. Westerfeld** asked you are going straight up.

**Mr. Ramirez** said that he was.

**Ms. Furio** asked what is the distance of the new corner to the side line

**Mr. Ramirez** said that it will be 10'.

**Ms. Furio** said that it is 12' on the driveway side.

**Mr. Ramirez** said that they will reduce the width of the house.

**Ms Furio** asked if there was anyone in the audience with any questions.

**Ms. Furio** asked what is the reason that you bumped out and did not follow the line.

**Mr. Ramirez** said that the existing house is wider, is 23' plus there is another 5' on the left side. So actually it is 28'. I want to fit 3 bedrooms, and I did not want to make an over-hang on the 2<sup>nd</sup> floor.

**Ms. Furio** said its just adding to the FAR. The FAR is above the required, even on a sliding scale which gives you more, you need 5 affirmative votes to pass. We have full board this time which is why we continued from last time. Just that you are aware that you need 5 affirmative votes to pass because of the FAR variance.

**Mr. Ramirez** said that the rules are for a 100' by 100' lot. That is part of the concern. Also in the FAR the calculation is up to 125', not 150', so that's why the numbers are bigger than they are supposed to be. The calculations are not on 7365 sq.ft but on 6260 sq.ft.

**Mr. Van Horne** asked who lives in the house- just you and your family.

**Mr. Ramirez** said he, his wife, his mother-in-law and 2 children.

**Mr. Van Horne** said the Floor Area Ratio is a concept that is usually applied in commercial situations and this is a residential situation. The concept is designed to control the intensity of use of the property in question. The applicant is supposed to show a special reason to support his application. He must show that the site will accommodate the problems associated with a Floor Area Ratio larger than that permitted by the ordinance. That is something to consider before you make your decision, whether or not he has met that standard. Obviously there is no difference in the intensity of use as the house is used right now versus how it will be used once it is expanded, if this is granted.

**Ms Furio** asked whether his mother-in-law was with them now.

**Mr. Ramirez** said that she was.

**Mr. Corona** asked have you taken into account, if the board does not approve your request, of how you would adjust the plans so that you could fit into the FAR, and still make the house work for you.

**Mr. Ramirez** said no and the reason why is because I am not asking anything crazy. I'm just expanding the house to make it livable. The house the way it is, is very old, we just bought it. We love the town, we've been living here 11 years. Its an undersized lot.

*There was discussion among the board members regarding the proposed plan.*

**1236 Ramirez / Gomez (cont.)**

**155 Jefferson**

**Block 33 Lots 316**

**Mr. Merzel** asked what is the total square footage of the proposed house.

**Mr. Ramirez** said 2812 sq.ft.

**Mr. Van Horne** asked if that size was consistent with other houses in the neighborhood.

**Mr. Ramirez** said yes.

**Mr. McLaughlin** said the north side house is perhaps a little bigger than this one. Across the street there are bigger houses. When they are done, it will be consistent with what's there.

**Mr. Van Horne** read the 'burden of proof':

Has the applicant shown that the site will accommodate the problems associated with a Floor Area larger than permitted.

**Ms. Furio** said you have 2 kids and your mother-in-law. How do you figure that you need 3 bedrooms.

**Mr. Ramirez** we are thinking of making another bedroom on the first floor, or keeping the kids in one bedroom.

**Mr. Merzel** said you don't have any elevation pictures.

**Mr. Ramirez** said this is the only one I have- for the front.

**Mr. McLaughlin** asked what height to the ridge line.

**Mr. Ramirez** said 28'.

**Mr. Merzel** asked what is the total depth from the front to the back of the house.

**Mr. Ramirez** said 58'. (*Calculated from A-3*)

*The board discussed the sizes of the other houses on the street relative to the proposed house.*

**Ms. Batistic** made the motion to approve the application as presented. The reason being that the variances requested are associated with the undersized lot. Especially the FAR, if we were to consider the entire lot, the FAR would be 38.2% which is under the requirement for a lot this wide. The additions to the front are so set back on the street, they will not affect the appearance of the street. The addition of 12' to the back, there is plenty of rear yard because of the back of the lot. I believe it's a real hardship to have a 50' wide lot, these days, to construct a house of a decent size for living.

**Ms. Batistic** reviewed each of the variances and showed that they were either existing, or associated with the narrow width of the lot.

**Mr. McLaughlin** seconded.

*All members voted for the motion except Ms. Furio.*

**Ms. Furio** said that she voted against the application because she believes that, despite the narrow lot size, there would be a way to squeeze it down to be closer to the FAR. She was not sure that they had proved their point as referenced in the case law.

The Application was granted.

**1239 Festa / Allan**

**55 Magnolia Ave**

**Block 37 Lot 117**

The applicant would like to construct an addition

**The application will be heard by the Planning Board because the applicant proposes to demolish the exterior walls of the house in order to increase the height of the basement.**

**Borough of Cresskill  
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**1240 Albanese - Reiner                      19 Pierce Ave                      Block 200 Lot 1**

The applicant would like to construct a deck

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
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 ft</b>		<b>20' 2"</b>	<b>9' 10"</b>
Max. Livable Fl.Area FAR	variable			
Lot Frontage	100 ft	95' / 97'		
Lot Depth	100 ft	99.67'		
Bldg Coverage %	20%			
Impervious Coverage	variable			
Height	28 ft			
Lot Area.	10,000 sq.ft			
Driveway from Prop. Line	10 ft			

**Ms. Furio** recused herself because her son and the applicants' son are on the same sports teams.

**Mr. Francis Reiner** was sworn in.

**Mr. Reiner** requested that the survey be labeled A-1.4 ( survey).

**Mr. Reiner** testified that he and his wife are proposing to build a wood deck approximately 12' wide by 19' in length. In exhibit 1.3 its location is by a 'pat-grey' existing patio which is identified with the masonry wall. It is a seat wall about 2' off the ground. We are proposing to build the wood structure at the south side towards Evans Rd. The extension of the house going out 12'. It is still not as far as the projection of the masonry wall, 19' along the back of the house. The hardship is that the house is built on a corner lot- so there are multiple front yard set-back requirements. Another component is that the house was built on an angle. All the other houses on Evans were built perpendicular to Pierce Ave. This particular house was built on a side angle and because of that angle, the corner point which is identified as 31.55' from the back of the property comes closer than the corner that is identified as 21.24'. So because of that angle of the house we are asking for a variance from 30' to 20.2' along that side. We believe that we have put the deck in a location that is appropriate in terms of being no further out from the side of the house towards Evans St. and no further back than the masonry wall and the existing patio. We identified on A-1.3 that the deck will allow free flow between the decking so that there is no additional Impervious Coverage requested other than the 80" by 40" concrete slab at the bottom of the stairs. Set-backs required for Evans and Pierce are 25'. We were hoping it would be identified as a side yard so we would not need a variance.

**Mr. McLaughlin** asked are you going to move the concrete walk that is there right now.

**Mr. Reiner** said that he did not plan to.

**Mr. McLaughlin** asked if there will be 20'8" from the corner of the deck to the property line.

**Mr. Reiner** said yes.

**Mr. Merzel** asked about a bump-out on the house.

**Mr. Reiner** said it was an existing masonry patio at grade. An existing concrete patio at grade with a masonry wall that is 2' tall. It's a split level house. you walk in on the higher side of the split level. There are 6 steps down to a family room. There is a sliding glass door to the patio.

**Mr. Merzel** asked what is the distance between the corner of the masonry wall and the yard.

**1240 Albanese – Reiner (Cont.)                      19 Pierce Ave                      Block 200 Lot 1**

**Mr. Reiner** said its existing and about 24’.

**Mr. Van Horne** asked what is behind the property.

**Mr. Reiner** said it was a single family ranch that was unoccupied for about 5 years. It is the house closest to the property. On the north side, on lot 19, is a 2 story house with a pool and a patio. Pierce is a dead end street..

**Mr. Van Horne** asked where is the ranch style house situated on the lot.

**Mr. Reiner** said its probably 30’ off. It’s a very small house. It is his understanding that the house is in the process of being sold to a builder. It is a fair way away from the property line.

**Mr. McLaughlin** asked what will be the height of the deck.

**Mr. Reiner** said about 3’ off the ground.

**Mr. McLaughlin** asked if the grade is level.

**Mr. Reiner** said the property is flat.

**Mr. Merzel** asked for an explanation of the Impervious Coverage.

**Mr. Reiner** said the zoning Code indicates that a wood deck where the wood slates have no gaps between them, then you have to define that as impervious. We are going to build a deck so there are gaps between wood slates, so that we do not have to deem that as impervious.

*Mr. Merzel consulted with Mr Van Horne about when a deck is considered impervious,such as the size of the gaps.*

**Mr. Reiner** said that he does not think that the code mentions the size of the gaps. The typical gap is 1/8 “.

**Ms. Batistic** asked what is the existing Impervious Coverage of the property.

**Mr. Reiner** said that since we were not affecting the Impervious Coverage he did have these calculations made.

**Ms. Batistic asked** about the space between the patio and the deck. Will there be a walkway.

**Mr. Reiner** said the deck will be raised 3’ above the patio, the deck will have steps going down to the back yard, and then it will be grass. Between the deck and the patio is an existing concrete, that we will not touch.

**Mr. Merzel asked** with the size of the lot they don’t list the deficiency in the hundreds. The lot is supposed to be 100’ and it 95’ / 97’. Is it not necessary to show the variance required.

**Mr. Van Horne** said that the application was not filled out completely. If the survey was done by a professional, I would accept the representation that those are existing dimensions. Its an existing non-conforming. Its de-minimus.

**Mr. Merzel** made a motion to approve.

**Ms. Westerfeld** seconded.

The Application was granted.

**IMPERVIOUS AREA (as defined in the Cresskill Ordinances)**

**[Added 2-6-2002 by Ord. No. 02-36-1244; amended 4-17-2002 by Ord. No. 02-06-1248]**

Land surface area that does not allow rain water to be directly absorbed by the ground. These surfaces shall include by way of illustration and not limitation:

- (1) Building coverage.
- (2) Driveways or other paved areas, including paving stones.
- (3) Patios and walkways.
- (4) Tennis courts.
- (5) Decks which do not allow free drainage of rainwater through to the ground underneath.

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 8 pm  
Minutes Feb. 27, 2014**

**Memorializations**

**1235 Doris and Rocco Blasi                      9 Heather Hill Court                      Block 1.03 Lot 21**

The applicant was granted the following variances to construct a single story rear addition

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	<b>15 ft</b>	<b>6.4'</b>		<b>8.6'</b>
Combined Side Yards	<b>35 ft</b>	<b>17.4'</b>		<b>17.6'</b>
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR	variable			
Lot Frontage	<b>100 ft</b>	<b>61.83'</b>		<b>38.17'</b>
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	31.9%			
Height	28 ft			
Lot Area.	10,000 sq.ft			
Driveway from Prop. Line	<b>10 ft</b>	<b>5 ft</b>		<b>5 ft</b>

**1237 Rebecca Kelly                      24 Crest Drive N                      Block 9205 Lot 6**

The applicant was granted the following variances to construct an addition, with alterations.

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	<b>15 ft</b>	<b>8.1'</b>		<b>6.9'</b>
Combined Side Yards	<b>35 ft</b>	<b>24.1'</b>		<b>10.9'</b>
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR	variable			
Lot Frontage	<b>100 ft</b>	<b>60'</b>		<b>40'</b>
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage		<b>35.1%</b>		<b>1.2%</b>
Height	28 ft			
Lot Area.	<b>10,000 sq.ft</b>	<b>6300 sq.ft</b>		<b>3700 sq.ft</b>
Driveway from Prop. Line.	10'			

**Borough of Cresskill  
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Minutes Feb. 27, 2014**

**1238 Heather Gray                      28 Clark St.                      Block 196 Lot 6**

The applicant was granted the following variances to construct an add-a-level.

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Front Yard Set Back	25 ft			
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>10.1'</b>		<b>4.9'</b>
<b>Combined Side Yards</b>	<b>35 ft</b>	<b>29'</b>		<b>6'</b>
<b>Rear Yard Set Back</b>	30 ft	<b>13.58'</b>	<b>25.5</b>	<b>4.5</b>
<b>Max. Livable Fl.Area FAR</b>	variable			
<b>ot Frontage</b>	<b>100 ft</b>	<b>80'</b>		<b>20'</b>
<b>Lot Depth</b>	<b>100 ft</b>	<b>95'</b>		<b>5'</b>
<b>Bldg Coverage %</b>	<b>20%</b>	<b>24%</b>	<b>22%</b>	<b>2%</b>
Impervious Coverage	Variable 31.9%			
Height	28 ft			
<b>Lot Area.</b>	<b>10,000 sq.ft</b>	<b>7600 sq.ft</b>		<b>2400 sq.ft</b>
Driveway from Prop. Line.	10'			

**Other Business**

**Ms. Furio** announced that Bobbi Bauer was appointed 'alternate' in the event that there were not enough members present to hear an application.

**Ms. Furio** said that when something is missing in the letter of denial, it should be added to the motion so as to become part of the record.

**Ms. Furio** announced that all members of the Zoning Board of Adjustment will retain their present positions thru 2014.