

1260 Selim Rusi (cont.)

153 Truman Dr

Block 91.08 Lot 25

Mr. Piazza described what is currently on the site. There is an existing driveway, a pool area in the back with a terrace, and some walls along the perimeter of the property.

Mr. Piazza described the proposed changes. When you walk into the house there is a large atrium. We are proposing to fill in that area, 284 sq.ft., for a master bedroom. The current exterior cladding must be removed because it is leaking and rotting. In order to restructure the façade, the existing façade must be removed down to the studs. The studs which are 2' x 4' they must be replaced by studs 2' x 6' in order to properly fasten the proposed limestone cladding on the building. The building will project out slightly but still within the set-backs. Because of that its about 149 sq.ft, and in addition we have 284 sq.ft for the FAR. The third component of the FAR is the 20' x 10' cabana in the rear along side of the pool. With these 3 items we end up with 633 sq.ft on the FAR, which brings us up to 22% in lieu of the 20.5% which already had been existing. Essentially, except for the cabana its all internal. The foundation will stay as is. We are over about 0.5% because the cladding is about 74sq.ft. This is elaborate limestone siding. The cabana is another 200 sq.ft. The net increase in the Building Coverage is 274 sq.ft. The benefit of the new clad-age is to make it more structurally sound. It will exactly fit into the character of the neighborhood.

Mr. Watkins asked from the C-1 or C-2 stand point, do you see any negative impact on the Zoning, Planning of the municipality ?

Mr. Piazza said none whatsoever. It remains the same except for the 10' x 20' cabana.

Mr. Watkins asked, taking the character of the neighborhood, is what we are proposing a benefit to the surrounding area ?

Mr. Piazza said absolutely, it will bring that house up to a more stable, more livable house. It does not change the character. It fits with the character in harmony with that environment.

Ms. Furio said the flooring that you are putting in is in the atrium that seems to be in the back of the house.

Mr. Piazza said the flooring is the dark area in the center of the house. There is an existing terrace in the rear. We are changing the configuration slightly from round steps to square steps.

Ms. Furio said the shape of the pool is changing.

Mr. Piazza said yes, the shape of the pool is changing. They propose an edgeless pool with some patio around it, but its in the same location.

Ms. Furio asked about the Impervious. Its only going up 2% based on all the pavers on the walkway and around the pool.

Mr. Piazza said we have taken a lot of it out. There was a lot along the rear. In the actual calculation there is a net increase of 1132 sq.ft. of Impervious Coverage.

Ms. Furio said you have removed the walkway along the side.

Mr. Piazza said yes.

Mr. Watkins said for the record for Impervious Coverage we are not seeking any relief.

Ms. Furio said I see that but I was just looking at all these extra pavers. I was making sure that the calculation was correct.

Ms. Furio asked about Seepage pits.

Mr. Watkins asked Mr. Piazza you had a conversation with the Boro Engineer, Paul Azzolina ?

Mr. Piazza said he has been talking with Paul Azzolina back and forth for the last month. I spoke to him yesterday. I had given him everything that he had requested including one additional seepage pit. He seemed to be satisfied.

Mr. Watkins said that if the board does approve this application, we have no objection to go with any reasonable request that Paul may have as it relates to potential modification to any drainage, and we will work with him on that.

Mr. McLaughlin asked about the measurements of the old pool.

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153 Truman Dr

Block 91.08 Lot 25

Mr. Piazza said that the configuration is a little different : the former pool is 33' x 50', the new pool will be 40' x 45'.

Ms. Furio asked how is the new cladding attached to the house.

Mr. Piazza said according to the architect, this is a system so that the cladding gets attached with a support system to the 2' x 6' studs which pushes it out a little. They are changing the 2' x 4' and applying a 2' x 6' with whatever mechanical structure they need to assemble or attach the limestone siding to the building.

Ms. Batistic asked will you be removing any trees ?

Mr. Piazza said we have a demolition plan. We are showing them in the front. In the rear there were some forest trees. We showed all the trees. If you look along the front, there were a few trees that need to come out for the landscape feature walls in front of the house so there were five 6" trees that needed to be removed.

Ms Batistic said there were some change in grades in the back. Will that undermine...

Mr. Piazza said there were some changes in the back. The rock wall that was there. The question was, was that stable. We are bringing it back to the same level that it was, with a new retaining wall. That calculation was submitted to Mr. Azzolina for his review.

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

Mr. McLaughlin made the motion to approve the application as presented.

Mr. DePalo seconded.

The application was granted.

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1261 Milanka and Robert Lippman 65 Hillside Ave Block 76 Lot 59

The applicant is applying for the following variances to expand the garage.

The applicants were granted variances for this property on Sept. 25, 2013. See attached resolution for Docket # 1248.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	50 ft	57.4'		
Side Yard Abutting/Lot	15 ft	7.4'		granted
Combined Side Yards	35 ft	19.4'	15.2'	granted
Side Yard Set Back For accessory building	5 ft	1.6'	1.6'	3.4'
Max. Area of accessory building	600 sq.ft	418 sq.ft	487 sq.ft	
Lot Frontage	100 ft	50 '		granted
Lot Depth	100 ft	294.18 '		
Bldg Coverage %	20%	15%	15.58%	
Impervious lot Coverage	35%	53.8%	54.88%	19.88%
Height of accessory bldg	15 ft	13'	13'	
Lot Area.	10,000 sq.ft	14,709 sq.ft		
Driveway from Prop. line.	10'	0'	0'	10'

The applicants were granted the following variances on Sept. 25 2014

	Required	Existing	Proposed	Variance Req'd
Side Yard Abutting /Lot	15 ft.	7.4 ft.		7.6 ft.
Combined Side Yards	35 ft.	19.4 ft.	15.2 ft.	19.8 ft.
Max. Livable Fl. Area	39%	34%	45%	6%
FAR	2438 sq. ft.	2138 sq. ft.	2815 sq. ft.	
Lot Frontage	100 ft.	50 ft.		50 ft.
Impervious Coverage	Variable 35%	43%	53.8%	18.8%
Height	28 ft.	33.1 ft.		5.1 ft.

Ms. Milanka Lippman was sworn in.

Ms. Lippman testified that they were seeking a variance for an extension to their garage to make it into a 2 car garage. The minimum side yard set back for an accessory building is 5' from the property line and they need 1.8'. They are seeking a variance of 3.4', which is existing based on the current garage. We want to add 5.7' to the back, so we can put 2 cars front to back.

Ms. Furio asked about the Impervious Coverage variance.

Ms. Lippman said it goes from 18.8% to 19.88%. This is based on the required lot size of 100' by 100'. Our lot size is 50' by 300' and we are extending the garage in the back.

Ms. Furio asked what is the portion in the front that you are demolishing ?

Ms. Lippman said it is an awning that does not go to the ground.

Ms. Batistic asked what will be the total length of the garage.

Ms Lippman looked thru her plans and apologized for not finding the length.

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1261 Milanka and Robert Lippman (cont.) 65 Hillside Ave Block 76 Lot 59

Ms Batistic said it looks like about 40’.

Mr. Corona asked why did you not ask to expand the garage at the time you applied for the other variances ?

Ms. Lippman said our architect said that we were pressed for time and should finish the house and deal with the garage later. We rushed to complete the house before the winter came.

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

Mr. Corona asked is there a plan where you would think of putting a door in the back of the garage and that would be an accessory building to the pool ?

Ms. Lippman said that there is a little door in the back on the left. We are not changing anything on the existing garage other than adding to the back.

Ms Batistic made the motion to approve the application as presented.

Ms Westerfeld seconded.

The application was granted.

Ms Furio pointed out that according to the plan the accessory building was 487 sq.ft and not 484.7 sq.ft. The area of 487 sq.ft was within the maximum area for an accessory building. The corrected number will be on the record.

1262 M3M Builders LLC 102 Westervelt Block 76 Lot 33

The applicant is applying for the following variances to erect a single family dwelling

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25ft			
Side Yard Abutting/Lot	15 ft		10.0’	5’
2nd Side Yard				
Combined Side yards	35 ft		25’	10’
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR (variable)	35.22%		35.2%	
Lot Frontage	100 ft	70 ‘		30’
Lot Depth	100 ft			
Bldg Coverage %	20%		21.4%	1.4%
Impervious Coverage (variable)	32.9%		36%	3.1%
Height	28 ft		33’	
Lot Area.	10,000 sq.ft	6,300 sq.ft		3,700 sq.ft
Driveway from Prop. line.	10’			

Mr. Thomas Ludwig, Esq. attorney for the applicant said that they planned to demolish the existing house and to erect a single family house.

Mr. Van Horne said because this application was to construct a new residence it must be heard by the Planning Board. By what basis do you think that this board has jurisdiction over this application.

Mr. Ludwig said we were asking for variances and we were told that this was the proper board.

Mr. Van Horne said that the Planning board has the authorization to grant variance relief. The Planning Board’s primary jurisdiction is over site plan and site plan approval. We can grant variance relief but we cannot grant approval to demolish and construct a new home.

Mr. Ludwig said we consulted with the construction official and here is where he told us to go. Do we have to send out new notices and apply to the planning board ?

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1262 M3M Builders LLC(cont.) 102 Westervelt Block 76 Lot 33

Mr. Van Horne said we cannot hear this now.

Mr. Ludwig asked why are we hearing about this now. The application was filed more than 10 days ago. The application was reviewed and I was told that everything was complete.

Mr. Van Horne said that he did not know who told you what and how it got to this point. But the fact is we do not have the jurisdiction.

Mr. Ludwig said you are saying that we have to apply to the Planning Board.

Mr. Van Horne indicated yes.

Mr. Van Horne asked is there anyone here for this application ?

Mr. Ludwig asked what about the fees that have been paid.

Mr. Van Horne said those will have to be transferred to your other application. You can certainly apply for a refund.

Mr. Ludwig said I've appeared before other Boards of Adjustment with a house to be demolished and a new house built and the board has heard the case.

Mr. Van Horne apologized for the inconvenience.

1263 NJR Investment Properties II 150 South Street Block 159 Lot 12

Mr. Saenz is applying for the following variances. NJR Properties were granted variances for this property on Dec. 5, 2013. See attached resolution for Docket # 1234.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25ft			
Side Yard Abutting/Lot	15 ft	10.09		granted
Combined Side yards	35 ft			
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR (variable)				
Lot Frontage	100 ft	75 ‘		granted
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage (variable)	31.9%		34.97%	3.07%
Height	28 ft		28’7”	7”
Lot Area.	10,000 sq.ft	8,156 sq.ft		granted
Driveway from Prop. line.	10’			

Mr. Marc Weissman introduced himself as representing NJR Investment Properties II, the former owner of the property, the company who did the renovation at 150 South St., The property has changed hands and the ultimate owner is now living there with a temporary Certificate of Occupancy since Jan. 20. The temporary Certificate of Occupancy was issued with 2 open matters. One of them pertains to the height of the structure. At the survey we determined that the actual height exceeds the designated amount by 7”. The other concerns the Impervious Coverage which is over by 245 sq.ft.

Mr. Weissman introduced Mr. Fernando Saenz, the property manager and Mr. Boris Shihinski, Fernando’s assistant.

Mr. Fernando Saenz was sworn in.

1263 NJR Investment Properties II (cont.) 150 South Street Block 159 Lot 12

Mr. Saenz testified that NJR Investment Properties buys, renovates and sells properties in the Bergen county area. We have been in business about 2 1/2 years. We purchased this property about a year ago and renovated it. We do this type of work- buy a home in need of renovation and rehabilitation. We proceed to modify the property and sell it.

This house was the only one in the block was not in the same condition as the other homes in the area. The house was abandoned and in need of rehabilitation. The home was a 2 bedroom, small cape house. We made it into a central hall colonial with a five bedrooms. We came before this board for approvals. The house was sold with a temporary C.O. We were told we needed an as built survey. That is when we learnt that we exceeded the height and the Impervious Coverage.

Mr. Weissman asked prior to taking the survey did you know that the house was 7” too high.

Mr. Saenz said no he did not. We were told we needed to close and to communicate with the town engineer. The buyers and the realtors were trying to close on the property because they were renting. They asked for a temporary C.O. which allowed us to close. At the same time we were told that we had to appear before the board.

Mr. Weissman asked what would it take to correct something like this ?

Mr. Saenz said the architect told them that to reduce the roof, it would take major construction. The occupants would have to move out of the house while it was under construction.

Mr. Weissman asked how the additional 7” would affect the neighborhood. Were there trees around the property.

Mr. Saenz said that there were trees in front and in back and that the neighbor’s house was very large.

Mr. Weissman said as for the issue of the Impervious did you have a conversation with an official of the borough?

Mr. Saenz said yes he did. When we were told that we had to appear in front of the board. We were told we had to re-grade the back of the house- which we had done twice before. The paver walkway in front of the house had to be removed and replaced with crushed stone. That would not have the aesthetic appeal nor the convenience of pavers.

Ms. Furio asked if the Impervious Coverage was due to the walkway?

Mr. Saenz said the town official said that to solve that issue we had to remove the pavers. We built the driveway to the house according to the specifications on our plan. We did the paver walkway to improve and get access to the front of the house. He said we would be fine if we removed the paver walkway, or, if you get it approved by the board..

Ms Furio said looking at the driveway, it comes in at an angle and there is a big area in the back.

Mr. Saenz said the garage is on the side- the driveway allows a K-turn.

Ms Batistic asked when you appeared before the board, you complied with the lot coverage.

Mr. Saenz said when we appeared in front of the board we complied.

Ms Batistic said so the plans showed Impervious Coverage which was OK. What was built that was in addition to what was on the plan ?

Mr. Saenz said in the process of building this house we had a situation with our contractors. We changed contractors in the middle of the process. So we looked what we could do in the front of the house to put something to match the entrance of the house. A decision was made by the owners to put pavers to make it look good, and we did not talk to the architect or contractor. It was a way to improve the view of the house. The original plan had a small walkway from the front to the driveway. The only other option to reduce the Impervious is the driveway.

Mr. Corona asked if you went back to the L shaped driveway would that bring you back into compliance.

Mr. Saenz said that he does not think so.

Mr. Corona asked how wide was the driveway ?

1263 NJR Investment Properties II (cont.) 150 South Street Block 159 Lot 12

Ms Batisitic said 11' at the narrow point. At the back its 23'.

Mr. Saenz said that one of the requests of the buyer was to make the driveway wider at the entrance in order to enter the driveway without going on the grass.

Ms. Batisitic asked do you have the original plan?

Mr. Saenz said we do not have a print- its in the office here.

Mr. Weissman apologized for not bringing the original plans. The original plans are with the contractor with whom they are in litigation. There are copies on file at the boro office.

Ms. Batisitic said in the As Built Survey the side yard is 9.8' and in the Resolution it says 10.09 with variance of 4.91'. The variance should be 5.2'. Did you change the sides of the house or is the survey wrong.

Mr. Saenz said we did not touch that part of the house. We covered a few things on the foundation.

Ms. Furio asked did you widen the driveway ?

Mr. Saenz said we had to, at the request of the buyer.

Ms. Furio asked what part of the driveway.

Mr. Saenz indicated the part of the driveway on the plan- the entrance to the driveway. So that when they are backing out they don't go on the grass.

Mr. Corona asked there is no way you went over the existing foot-print ?

Mr. Saenz said they extended the house to the back, for the initial approval. We added to the back to build the 2 car garage.

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

Ms. Furio asked did you change the grade in front of the house.

Mr. Saenz said there was so much landscaping work done in the back. We graded in the front. We installed a sprinkler system.

Ms. Furio asked besides the sprinkler system was there anything else ?

Mr. Saenz said we took out a small tree in the front. Other than that, nothing else.

Ms Furio asked did you install a seepage pit ?

Mr. Saenz said that they installed it once and then had to re-install, after inspection, with the engineer present.

Ms Furio asked why it failed inspection.

Mr. Saenz said that it needed more gravel.

Mr. Corona asked about the porch.

Mr. Saenz said the porch had been removed.

Mr. Corona said the survey shows a porch in front of the house.

Mr. Saenz said that was a portico in front of the house.

Ms. Furio said 7" over the height, 245 sq.ft over on the Impervious. Impervious resulted from the widening of the driveway and the curb to the paver walkway. Nothing in the back and nothing on the sides.

Mr. Corona said I don't understand how you can build a house and be off by 7".

Mr. Weissman explained that there was a problem with the contractor who took the measurements but never informed NJR. They found out when they got a new survey to get the CO.

Ms. Batisitic said that the resolution states that the 2nd story will be pushed in to comply with the sides.

Mr. Saenz said yes, the 2nd story is the same as the first. The survey shows a little bit wider in the front.

Ms. Westerfeld said item 3.d on the resolution was not done.

3.d *The plan shows a driveway that would require a variance for the side yard but they have changed to plan to shave 6' off the driveway so no variance would be needed.*

1263 NJR Investment Properties II (cont.) 150 South Street Block 159 Lot 12

Ms. Furio said the way I understand it, the width of the driveway was supposed to be 6' wider. You made it 6' more narrow and the only thing that you changed was the angle of the entrance. Its not a double wide.

Mr. Van Horne asked what type of litigation are you engaged in with your contractor ?

Mr. Weissman said it concerns performance on a couple of dwellings. Mostly financial. Cost over-runs. Costs were substantially more than they were led to believe. NJR Investment Properties vs All Star Construction.

Mr. Van Horne asked if you are successful in your action, what are you trying to recover from him ?

Mr. Weissman said I am not prosecuting. The law firm is out of Staten Island.

Mr. Van Horne asked are you including in there that he built the house and did not comply with the resolution.

Mr. Saenz said no, it was done before all this happened.

Mr. Weissman said there is no money allocated based on this lawsuit.

Mr. Van Horne asked is there any other way besides ripping off the roof and re-pitching it ?

Mr. Saenz said re-grading of the property. One of my concerns, is that we already regarded twice but also the buyer's attorney in one of his requests required that we re-grade it again. We were re-grading that property several times just to accommodate what the buyer wanted.

Ms. Furio asked were you re-grading the back or the front ?

Mr. Saenz said that was the back only.

Ms. Furio asked what were you doing with that ?

Mr. Saenz said the first time with the installation of the seepage pit. We re-graded and re-seeded and grass was growing. Then when the seepage pit was replaced, we re-graded. Then the buyer said that the water was flowing into the house, we re-graded again'

Ms Furio asked only in the back?

Mr. Saenz said only in the back. In front when we started construction and when we did the sprinkler system and the landscaping.

Mr. Corona asked what is the height of the 1st floor.

Mr. Saenz said 9' on the first and 8' on the second.

Mr. Corona asked about the attic.

Mr. Saenz said there is a crawl space in the attic.

Ms. Furio asked how was the height taken.

Mr. Saenz said that his assistant can explain it better.

Mr. Boris Shihinski, was sworn in.

Mr. Shihinski testified that he spoke to Mr. Azzolina and he explained how he calculated the height. So on the survey at the front of the house there are 2 spot elevations on the left is 97.8, on the right 98.2 and if you add them together and divide by 2 you get 98 which is the average grade at the front of the house. Then you take the roof peak which is 126.6 and you subtract the 98 and you get 28.6. Then he took that point 0.6 and multiplied by 12 to get 7".

Mr. Corona asked did you figure out how much you needed to re-grade ? 3" or 4" of soil.

Mr. Saenz said there are 2 windows at the front of the house (wells).

Ms. Furio asked how deep is the well of the window ? Less than 3' or more than 3' ?

Mr. Saenz said less than 3'.

Mr. Van Horne said you can carry this application, re-grade and come back only asking for the Impervious

Ms. Furio said you have 2 choices: Carry and amend the situation, or you can put it to a vote, but based on the feeling that you are getting from the board about the height, which is the biggest stickler, if it is denied, then you have to start all over.

1263 NJR Investment Properties II (cont.) 150 South Street Block 159 Lot 12

If its carried then you do not have to re-notice, you have to carry to the next meeting, weather permitting, or the meeting after.

Mr. Weissman said we carry it, and assuming, weather permitting, we come back, we show proof thru new measurements we are in compliance.

Ms. Furio said you would only have the Impervious

Mr. Weissman said what do we do in respect to that

Ms. Furio said get your hands on a copy of the initial plan showing exactly where everything was and what was approved at that point. How wide the driveway was, what it looked like. To show if it was or was not in compliance and what that number was. If, as you explain, the angle at the front of the driveway was such, because it had the median in the street and they were driving on the grass, we need something to compare what was and what it is, in order to make a decision.

Mr. Van Horne said we can carry it to March, and if they are not able to re-grade then we can carry it again.

Mr. Weissman said right now we are on for next month. The current occupant that we sold it to, is now living there with a temporary CO.

Mr. Saenz said the CO has expired but he was told that he could stay there until the next meeting (today).

Mr. Van Horne said we are carrying the application, so they will extend the CO.

Mr. Weissman said we are on for next month. If we can't comply due to meteorological circumstances we will notify to be on for the following month.

Mr. Van Horne said if you wait around until the end of the meeting, the secretary will get you a copy of the plans.

