

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

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1241 Joseph Gottlieb (cont.)

11 Margie Ave

Block 166 Lots 30 - 31

variance.

The side yards: there are 2 sections, one side being 15', we currently have 9.9' at the front right corner. The total combined side yards being 35', we are currently at 23.21'. The addition is going straight up so the side yard variances will remain as is.

The rear yard where 30' is existing the current is 34.2' so that requirement is met. The height for 2 stories is 28', we are only going to 26.83', no variance.

The Building Coverage where 20% is required on a 10,000 sq.ft lot, being that we only have 5,000 sq.ft, the existing foot print with the shed and the porch we're at 24.72% that exists. The proposal does not make it any larger.

The Impervious Coverage being 35% required, with the driveways and the pavers we're at 49.3% .

Floor Area ratio at 39%. With the addition, with the shed, with the existing structure we are at 37.19%. The requirement is met with the addition.

Sheet 1 shows the floor plan and the site plan. Sheet 2 shows the existing roof stays as is for about 17' to 18'. The rear portion of the addition, you can see the side yards. The addition is towards the back of the house where we feel there is no impact on anyone, especially to the neighbors on the left who is 15' away from the property line. Since we are not going over the entire structure, there is as minimal affect as possible.

Every variance we are asking for is there currently.

Ms. Furio said: the existing Impervious Coverage is large. You have a paver patio that goes all the way around the back, and a double wide driveway. When were these installed ?

Mr. Gottlieb said I bought the house like that 2 years ago.

Ms. Furio said I do not remember so much of a variance put in without the proper requirements.

you also have a knee wall in the back- is that for topography ?

Mr. Gottlieb said I bought the house as is. I figure that the wall is a decorative wall.

Ms Furio asked its not a retaining wall ?

Mr. Gottlieb said it is strictly a decorative wall, I would rip it down if I had to.

Ms. Furio said the pavers were there and everything that you have going on. What is the size of that deck- the paver patio in the back.

Mr. Donato said about 30' wide by 15'.

Ms. Furio said because of the Impervious I do not see any extra drainage that was put in to deal with the run-off.

Ms. Batistic said if they did receive any variances for the Impervious it would have been required. If it was put in, once its there, you don't really see it on the surface. If they put in a seepage pit, unless it has the lid to the top, you won't see it. If the surveyor does not know about it, he won't be able to show it on the survey.

Mr. Gottlieb said I don't know about a seepage pit, but I do know that they put in a network of PVS pipes around the property. I do have a sump pump that came with the house. I found a PVC recently on the west side of the house, where there is a drain going from the west side to the run-off into the street.

Ms. Furio said the property is flat, in the 2 years, have you ever had an issue with the silt?

Mr. Gottlieb said no, the sewer backed up- a check valve failed. Other than that, I have never had an actual water problem.

Ms Furio asked you are not intending to reduce the Impervious in any way ?

Mr. Gottlieb said no, but if the pavers (from the patio and walkway) have to be removed, I don't care. I would rather get the addition. If I have to eliminate other stuff, I'll take it out.

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Ms. Furio said she was concerned that, with half the property impervious, when there are heavy rains, where will the water go.

Mr. Gottlieb said that so far, he nor any of his neighbors, have said to him that his water is running off into their yard. This winter was a pretty good test.

Ms. Furio asked: do you have a fence in the back ?

Mr. Gottlieb said yes it is a 4' high fence all the way around. It came with the house.

Ms. Furio noted that there was no one in the audience.

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

Mr. McLaughlin seconded.

All members voted to approve the application.

Ms. Furio said for the record, the Impervious, although you bought it, is nearly 50%. If anything is to be done, it needs to be reduced. You cannot add anything to it. I would, for your own satisfaction, double check and see if there are seepage pits, and not that the water surges out to the street. Because, at 50%, you could potentially have a serious problem.

Other Business

There was a discussion among the members of the ZBOA in regard to the Impervious Variance, requested at this hearing, for application #1241.

Ms. Furio said that she had to take the applicant's word that the Impervious was there when he bought the house 2 years ago.

Ms. Furio said that if there is an existing variance that is clearly excessive, such as the Impervious on application #1241, and where we have to take the applicant's word that it was there when he bought the house, I believe there needs to be some due diligence on the part of the Building Dept. to show that it is pre-existing and that it was approved. Its hard to penalize an applicant with something they bought as pre-existing. So I think we need to come up with some sort of protocol .

Ms. Batistic said just because someone bought it does not mean it is legitimized.

Ms. Furio said that by voting yes on it now, we legitimized it.

Ms. Batistic said that the survey of 2012 showed it (the pavers). It was either done illegally by the previous owner, or prior to any of us being on the board. We should then pull the record to see if it was approved.

Ms. Furio said we need a general rule if something is 30% or 25% over, they should supply the previous permit that says yes it was existing.

Ms Furio said the Building Dept should say whether or not they issued a permit that resulted in the variance. Right now, we are taking his word, but no one remembers this (variance) coming before the board.

Ms. Westerfeld said assuming it is illegal what should we be doing ?

Ms. Furio said this is what we need to figure out. I'll work with Jack on this and the powers that be to come up with something so that at least we have a regulation.

Mr. Van Horne said that in some towns (eg Fairlawn), when there is a transfer of property they go out and look not just for smoke / monoxide detectors, but also for hazardous conditions, like a deck

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Memorializations (cont.)

1240 Albanese - Reiner 19 Pierce Ave Block 200 Lot 1

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			
Rear Yard Set Back	30 ft		20' 2"	9' 10"
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			

Meeting was adjourned at 8:30 pm.