



**Borough of Cresskill  
Zoning Board of Adjustment  
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**1248 Lippman (cont.)**

**65 Hillside Ave**

**Block 76 Lot 59**

**Ms. Furio** said the garage is a single detached.

**Ms. Furio** said you are not changing the existing foot-print on the width, except for the back hash marked area.

**Ms. Vandal** said that is correct, we are not changing the width of the house.

**Ms. Furio** said you are not encroaching on the side yards any more than is already there.

**Ms. Vandal** said there was an existing deck. We are just building a new wrap-around landing with the existing deck from the back area.

**Ms. Batistic** said the wrap-around porch is part of the house, it is roofed over. So the set-back should be to that wrap-around porch. You are reducing the side-yard set-back, are you not ?

**Ms. Vandal** said the house is not expanded it's just the wrap-around that is being expanded to the extent where the existing deck was. On the set-backs that I have indicated it is the reason that we are requiring the variance of 7.8' to the edge of the porch.

**Ms. Furio** said 7.4' on one side and 7.8' on the other side.

**Ms. Vandal** said the 7.4' is existing.

**Ms. Batistic** asked what is the semi-impervious ?

**Ms. Vandal** said that the original concrete on the walkways will be removed. The pavers will be set so that the spaces between them will allow the water to seep in. That lay out is considered to be semi-pervious.

**Ms. Batistic** asked what is the spacing between pavers.

**Ms. Vandal** said it depends on....

**Ms. Furio** said the calculation for the impervious coverage- what lot size did you base that calculation on?

**Ms. Vandal** said it is based on 125' . If we take into account the full size of the lot, we do not have Impervious Coverage.

**Ms. Furio** asked the width of the walkway from the back of the house to the pool is 3' ?

**Ms. Vandal** said it was 4'.

**Ms. Furio** said she was looking at the proposed 60' fence. The pool is 100' back, I cannot imagine that shortening it will change much. Its such a huge percentage.

**Ms. Vandal** said that the pool will not be used most of the time. I wanted to leave some lawn area in the back of the house. There will be a fence around the pool, by moving it we'll be losing space in the back.

**Ms. Batistic** asked if the patio had been included in the 60%.

**Ms. Vandal** said that it had.

**Ms. Batistic** asked what would be the Impervious if the actual lot size was used.

**Ms. Vandal** said that she had calculated that without the 125' rule there would not be an Impervious. problem. Including the whole area the allowable impervious is about 5200 sq.ft versus 3781 sq.ft which is what they have proposed.

**Ms. Batistic** asked on the sheet for the FAR shows no change, but are you not expanding ?

**Ms. Vandal** said we are expanding a little bit but we are not required to apply for a variance for that. It's around 45%. The Zoning officer did not require us to file for a variance for that.

**Mr. Van Horne** said that the required maximum is 39%. What is the existing.

**Ms. Vandal** said the existing is 2138 sq.ft ., 34 %.

**Ms Furio** said that the allowable maximum is 39% which allows you 2438 sq.ft. You are requesting 2815 sq.ft.

**Ms. Vandal** said that was waived by the Zoning officer.

**Mr. Van Horne** said that it was a misunderstanding, it cannot be waived.



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**Mr. Ben Romeo** said that his concern was the Impervious, it is too high. What is being done to make it that high.

**Ms. Vandal** said that they were trying to put the pool in as far back as possible . Placing the pool closer to the house would not have made any difference because the existing Impervious was high, 43%.

**Mr. Romeo** asked what is the distance between the back door and the pool.

**Ms. Vandal** estimated about 75'. It will be all grass except for the path going towards the pool.

*Ms Vandal presented a larger site plan for ease of explanation.*

**Mr. Romeo** asked where does the 125' end?

*Ms. Vandal indicated the place on the plan.*

**Mr. Romeo** said that the pool is not within the 125', is it ?

**Ms. Furio** said the pool is not within the 125', but the calculation is based on 125'.

**Mr. Romeo** said you are penalizing for having the pool outside the 125', by including it in the percentage.

**Ms Furio** said the percentage allowed is based on 50' by 125'. They are exceeding it by putting the pool way in the back, by having the long walkway, by having the wide decking all the way around, which is making this large percentage. Even though it is positioned at the back end of the lot, the Impervious is based on only 125'.

**Mr. Romeo** said that he was expecting the Impervious to be the area surrounding the house.

**Ms. Furio** asked if there was any way to change the layout of the pool to lower the Impervious.

**Ms. Vandal** said they are looking to bring it a little closer,

**Ms. Furio** asked about the 10' decking'

**Mr. Lippman** said that we can do that.

**Mrs. Lippman** said that she wouldn't want 10' all the way around-some to the front and a little to the side.

**Ms. Furio** said that you have 60%, granted it's a strange situation, you have a long narrow property and the way the ordinance is written, we can't rewrite the ordinance here.

**Ms. Vandal** said we can cut it down to 55%..

**Mr. Reinemann** said I think the limitation of using only 125' of almost 300' creates a distortion that is unfair to the homeowner. I don't think there is anything offending to have a calculation of the covered surface against the true size of the lot. As a neighbor, I would be in support of the 'hard-scaping' that they have planned for. My only concern was how densely close the houses were located.

**Mr. Van Horne to Mr. Reinemann** do you support the application to this point after hearing the answers to your questions.

**Mr. Reinemann** said I wish I could see how close the next house is. But basically because the variances are a porch and not for a widening of the house. Yes, I will support it.

**Mr. Van Horne asked Mr. Romeo** for his opinion.

**Mr. Romeo** said that that explains a little more about the Impervious calculation and the applicants could cut the Impervious down a bit and come to an agreement.

**Mr. Lippman** asked how do you want the cement to be around the pool so that's how we'll make it.

**Mr. Van Horne** said talk to your architect and then amend your application.

**Ms. Vandal** said that at this point they want to move into the house.

**Mr. Lippman** said out lease runs out on the 15<sup>th</sup> we are moving the 13<sup>th</sup>.

**Ms. Vandal** said if you think its too high, tell us what is OK for you.

**Mr. Van Horne** said we cannot dictate to you and you will have to amend the application. Please talk to your architect and amend the application.

**Mrs. Lippman** asked if we amend it can we still vote on it tonight?



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**1251 Peter DeVries (cont.)                      83 Monroe Ave                      Block 72 Lot 30**

Ms. Batistic asked is there anyone in the audience with questions for the applicant ?

Mr. DePalo made a motion to approve the application.

Ms. Westerfeld seconded.

**The application was granted.**

**1252 Keunsoo & Eunhui Park                      51 Morningside                      Block 160 Lot 51**

The applicants are applying for the following variances to expand their driveway by 5'.

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			
Max. Livable Fl.Area FAR	Variable 39%			
Lot Frontage	100 ft			
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	Variable 35%			
Height	28 ft			
Lot Area.	10,000 sq.ft			
<b>Driveway from Prop. line.</b>	<b>10'</b>	<b>8.66'</b>	<b>6.34'</b>	<b>3.66'</b>

*The case was dismissed because the applicants were absent from the meeting.*

**1253 Liron & Doron Bensusan                      344 11<sup>th</sup> St.                      Block 14.02 Lot 13**

The applicants are applying for the following variances to expand their driveway by 10'.

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			
Max. Livable Fl.Area FAR	Variable 39%			
Lot Frontage	100 ft			
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	Variable 35%			
Height	28 ft			
Lot Area.	10,000 sq.ft			
<b>Driveway from Prop. line.</b>	<b>10'</b>		<b>4.8'</b>	<b>5.2'</b>

Ms. Liron Bensusan was sworn in.

**1253 Liron & Doron Bensusan (cont.)    344 11<sup>th</sup> St.    Block 14.02 Lot 13**

**Ms. Bensusan** testified that they want to make their driveway ‘level’ so they can place more than 2 cars. That means going 10’ and getting close to the neighbor next to us.

**Ms. Bensusan** presented photos that were marked A-1, A-2, A-3, A-4.

**Ms. Bensusan** said the photos show that we have a single driveway while most of our block has a double. Neighbors on both of our sides have the double. The neighbor that we are getting close to also has a double- they must have got a variance. The neighbor on the other side of us, his driveway goes all the way to our property line. We are not doing the driveway all the way to the gate. The guy next to us has it all the way to the gate. On our block on 11<sup>th</sup> St. all the neighbors but one have double. For us it is hard because we have 2 cars and the nanny has a car. We have twins and a double stroller so I can’t even pass by the driveway when there is car parking- so I have to go on the grass. The nanny now she parks over-night on the street but after Oct. 15 she cannot do that, and I do not know what to do with her car.

**Ms. Furio** asked the side on which you are expanding the driveway, between the edge of the driveway and the neighbor’s house there is driveway, then grass, then house ?

**Ms. Bensusan** indicated on the photo A-1 the location of her house and on A-2 the neighbor’s driveway

**Ms. Bensusan** indicated on the photo A-5 her house, and the grass between the proposed driveway and the neighbor’s property.

**Ms. Bensusan** presented photos A-6 and A-7 of neighborhood properties.

**Ms. Bauer** asked are you within 5.2’ from the property line or 4.8’

**Ms. Bensusan** said right now there is 14.8’ and we are going 10’ more. We are going 4.8’ so we are taking 5.2’ from what is allowed.

**Ms. Batistic** asked are you making a curb-cut ?

**Ms. Bensusan** said that that they will make a curb-cut and renew the whole driveway (20’) in black top.

**Ms. Furio** asked is anyone in the audience for or against the application.

**Mr. Bob Thompson, 350 11<sup>th</sup> St.,** said that he was not against it. He is the next door neighbor. The driveway will be on his side. His question: when he got the application it said that the work would be done on the south side, it actually will be done on the north side of the house. It gives the impression that it is coming over 5.2’ but actually it is coming over 10’.

**Ms. Bensusan** said we are coming 10’ but the variance will be 5.2’, but if we wanted to come 4.8’ we don’t need a variance.

**Mr. Thompson** said my driveway does not go to the property line.

**Ms. Bensusan** said not your driveway- the guy on the other side.

**Mr. Thompson** said he does not have a double driveway.

**Ms. Bensusan** said yes it does and it goes right to our property line.

**Mr. Thompson** said on your application you have 100’ frontage when you really have only 75’. I am not trying to block your driveway, I just want it to be clear on exactly what you are asking.

**Ms. Bensusan** said they want room to park 4 cars. We will be 4.8’ from the property line.

**Ms. Furio** asked is anyone else in the audience have any comments or questions.

**Ms. Furio** said on the application which shows 100’ the survey shows 75’.

**Ms. Batistic** made the motion to approve the application with the correction (existing lot width of 75’) with variance of 5.2’ setback of the driveway on the north side, based on the survey,.

**Ms. Westerfeld** seconded.

**The application was granted**

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**1248 Lippman (cont.)**

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**Mr. Van Horne** said for the record we are going back to the Lippman application # 1248.

**Ms. Furio** said the FAR portion that was not originally included but now is included. We need 5 affirmative votes. We have 5 members, however one member is within the 200' of your property and was noticed, and therefore cannot vote. There are a couple of things we can do. We are trying to make this work for you. You are going to present the amended impervious. We can do one of two things: we can carry to the next meeting, or, we can reserve the decision. The absent board member can read the minutes of the whole application and next meeting we can just take a vote.

**Mrs. Lippman** said another month. That's not fair to us, we have to wait another month because someone was out.

**Mr. Lippman** said the pool can wait. He described the inconvenience of their present accommodations.

**Mr. Van Horne** said that you want to amend your application further, you may do that. You had a notice problem that was why this was carried.

**Mrs. Lippman and Mr. Lippman** agreed that they had already missed one month.

**Mr. Van Horne** said we would not have started this application had we known that FAR was an issue.

**Mrs. Lippman** said I don't understand why that was an issue. It wasn't noted on the rejection.

**Mr. Van Horne** said this was a misunderstanding between the architect and the Building Dept. but the fact is FAR is an issue, it cannot be waived and it must be decided on by this board.

FAR is an issue that the courts consider very serious. It involves density of use and it involves issues that can adversely affect or disturb your neighbors. So that is why you need 5 affirmative votes.

We thought we had 5, but then when you walked outside, we found out that Ms. Bauer is within the 200' notice area. Therefore she has to recuse herself – she cannot vote.

So we can either adjourn to next month in which case you could make your modified application to probably 5, 6, or 7 members. You need 5 affirmative votes, if there are 7, you need 5 out of 7 so your chances are better than 5 out of 5. Or, we can reserve decision, and we can have a 5<sup>th</sup> member listen to the minutes, and then we will have to convene next month's meeting and vote.

**Mrs. Lippman** said but then it's the same thing.

**Mr. Van Horne** said it is. Except there are some advantages- if you want 7 people to hear your application or you want 5.

**Mr. Lippman** said if we are forced to wait until next month then either way we are better off having all 7 then have some gentleman read it without seeing the emotion that was involved here.

Then you are also saying we can't deal with the pool now and just deal with the house. What if we just pull the pool out and redo the whole area. We forget the pool exists now and come back another month and talk about the pool- so we can start building this bedroom so we have somewhere to sleep.

**Ms. Furio** said the issue is the bump-out which causes the 6%. So either if you want to hear it now, the 6% has to go away.

**Mrs. Lippman** said that is based on because we are extending 3' on the family –one side only.

**Ms. Vandal** explained that the existing house has exactly what is required for this yard.

**Ms. Furio** said the allowable floor space is controlled based on the size of the lot so that you don't end up with giant houses that fill up the entire lot.

**Mr. Lippman** said the rules are the rules but we are stuck.

**Ms. Furio** said we cannot rewrite the ordinance.

**Mrs. Lippman** said and next month when we come again and then you vote, and say you say 'yea' how long does it take before we can start building.

**Ms. Furio** said one month.

**Mrs. Lippman** said so I'm 2 months out now.

**Mr. Lippman** asked why does it take a month after you approve ?

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**1248 Lippman (cont.)**

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**Ms. Furio** said if we had the power to change things the board would be a different board. We are given the set of rules we have to follow. There are all kinds of things that we have to do on our end. That we will uphold the ordinances that are given to us.

**Mrs. Lippman** said if it was clear about the 6% would we have voted tonight?

**Ms. Furio** said if it were on the application we would have known a little earlier on in the meeting

**Mr. Lippman** asked would that have made a difference

**Ms. Vandal** said he did not put it on the application. I thought that probably there was a leeway about it. But I had put it on my drawings very clearly.

**Mrs. Lippman** said that on that block there are much bigger homes.

**Mr. Lippman** said why does it take another month after it is approved.

**Mrs. Lippman** said there has to be something we can do.

**Ms. Furio** said that Jack is looking if there is something we can do

**Ms. Furio** said that right now we cannot vote on the application. We don't have enough people and I apologize for that.

**Ms. Furio** said you have 2 choices- we adjourn and carry it to the next meeting. You'll probably have more people- people are back from vacation in September. You have a better chance with 7 rather than 5. Unless you say we are not going to build the extra 3' and you have no FAR and you take out the pool, then we can hear it and you need 4 votes. But that's no pool, and no bump for the extra elbow room, Then we can hear it, but if you want to go with what you have, then we can't.

**Ms. Lippman** said we are penalized because 2 members did not show up. Its really not fair. The house as it is cannot accommodate our family. As it is we have a 12' by 12' living room. I will lose my contractor because he will take another job. And then it will be winter and I won't be able to start digging. And it really isn't fair that the fact that 2 members did not show up and

**Mr. Van Horne** said there is nothing we can do. You have heard the chairman. Please stop.

It is what it is and life is not fair. If you had noticed properly this would have been resolved in July. You had to adjourn for one month because you did not notice properly.

**Mrs Lippman** said and now it has to go to September.

**Mr. Van Horne** said it has to, the law is the law. Do you want to take a minute to decide what you want to do ?

**Mr. Van Horne** said the next meeting is the 4<sup>th</sup> Thursday in September and they do not have to re-notice. If you are going to amend the plan get 14 copies to the board secretary.

**Ms. Vandal** said she would do that. She will put in the amended pool and the amended Impervious, and submit it to the board. She will include the pictures of the house.

**Ms Furio** apologized to the applicants.

*After the Memorialization, Mr. Lippman reentered the hall . He explained that he had obtained the permit for the pool and the contractor was scheduled to come the following week. He asked if he could install the pool . He was told that he could do so.*



