

**Borough of Cresskill
Zoning Board of Adjustment
Minutes July 24, 2014**

Present: Ms. Furio, Mr. Merzel, Ms. Westerfeld, Ms. Batistic, Mr. Corona,
Mr. DePalo, Mr. Van Horne (Board Attorney), Ms. Bauer (recording secretary)

Absent: Mr. McLaughlin

The meeting was called to order at 8:04 pm.

Ms. Furio announced that the meeting had been published as required by the Sunshine Laws of the State of New Jersey.

Minutes of the June 26 meeting were approved.

Ms Furio announced that case 1248 Lippman 65 Hillside Ave Block 76 Lot 59 will be heard at the next meeting of the Zoning board on Aug. 28, 2014.

1242 Andrea Ermick 144 7th St Block 47 Lot 721

The applicant would like to construct two wood decks, one on the 1st floor and one on the 2nd floor, each deck has a sliding glass door opening from the house...

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	10'		15'
Side Yard Abutting/Lot	15 ft	10.2'		4.8'
Combined Side Yards	35 ft			11.79'
Rear Yard Set Back	30 ft	4.4'		25.6'
Max. Livable Fl.Area FAR	Variable 30%	35.72%		5.72%
Lot Frontage	100 ft			
Lot Depth	100 ft	50'		50'
Bldg Coverage %	20%	36%		16%
Impervious Coverage	Variable 30%		41.8%	11.8%
Height	28 ft	29.7'		1.7'
Lot Area.	10,000 sq.ft	5,000 sq.ft		5,000 sq.ft
Driveway from Prop. line.	10'			

This application is carried from the April 24, 2014 meeting.

Mr. Lawrence Kleiner, Esquire, represented the applicant, Andrea Ermick.

Mr. Kleiner testified that the hearing was continued in order to present the board with the Impervious Coverage calculations, the Building Coverage calculations, Official details of the actual construction with the raised seal. **Mr. Robert M. Scarano Jr., Architect**, was present to answer any questions.

Mr. Van Horne told Mr. Scarano that he was still under oath.

Mr. Scarano reviewed the Impervious Coverage calculation. The revised drawing that was submitted has a highlights (clouds) of the areas that were in question. Towards the center of the right hand of the page is the calculations of the existing and proposed. The Building Coverage calculation is also there. The detail '5' circle which is the detail of the decking showing gaps between the boards that allows the water to go through.

Mr. Van Horne asked what is the width of the gaps.

Mr. Scarano said 3/8".

Mr. Scarano said that the garden area around the property had been increased. We put a planting strip which did not exist around the perimeter fence.

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1242 Andrea Ermick (cont.)

144 7th St

Block 47 Lot 721

Ms. Furio said you have 2 staircases the smaller coming off the lower deck and the spiral coming off the upper deck. Is there a pad or are you stepping onto ground.

Mr. Scarano that was existing paving already there.

Ms. Furio said that she sees it from the lower deck but not from the spiral staircase.

Mr. Scarano said that it is more obvious from the site plan- the landing for the spiral staircase is on the paved area which was existing.

Mr. Merzel said that for Impervious Coverage the 'cloud' says proposed is 41.8%. What is the existing Impervious Coverage ?

Mr. Scarano said 44.94% existing and the proposed is 41.8%.

Ms Furio asked what is being removed ?

Mr. Scarano said that perimeter garden area that reduces the impervious surface.

Mr. Merzel said there is no 44.1.

Mr. Scarano said that the chart that was submitted we might not have finally coordinated- sorry.

Ms. Furio said so the number we are looking at is 41.8.

Mr. Merzel said so the variance requested is 11.8%.

Mr. Scarano said yes. If you look at the drawing upper right it's the cyclan. Take the spiral staircase as a guide and follow the lot line right around, there is an area of pavement that was removed.

Ms. Batistic asked does the paved surface go to the property line.

Mr. Scarano said yes.

Ms. Batistic asked if the paved surface is underneath the deck.

Mr. Scarano said yes.

Ms. Batistic said that the fact that the deck lets the water through is irrelevant.

Ms. Furio asked if there were any plans to remove the pavers under the deck.

Mr. Scarano said not at this time.

Mr. Scarano said that they had chosen the spiral staircase because it is compacted and visually it does not jut across 20' of the rear yard.

Ms. Furio asked if the pavers under the small deck are completely under the larger deck, at the angle, or just under the small deck.

Mr. Scarano said both and yes at the angle. It sort of follows the perimeter of the planting area of the tree that's there. There is a circular area under the tree and that's where the paved area follows and then into the driveway and then the garden area around the house it follows the other irregular line.

Mr. Merzel asked if there were any previous hearings that you know about.

Mr. Kleiner and Mr. Scarano had no knowledge.

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

Ms Furio asked if someone on the board wants to make a motion to approve or deny the application with the proposed Impervious Coverage of 41.8% and the variance of 11.8%.

Mr. Merzel made the motion to approve the application, on the fact that they are taking it down from the existing Impervious to 41.8%.

Mr. Corona seconded.

All members voted 'yes' except Ms. Furio.

Ms. Furio said that she votes 'No' because the Impervious could be further reduced by removing the pavers under the deck

The application was granted.

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1250 Levi (cont.)

91 11th St.

Block 144.01 Lot 11

Mr. Rice said inside the house has 3 bedrooms on the level and a half with a small bathroom. There is another bedroom in the basement with a small bathroom. The rooms are undersized by modern standards.

Mr. Rice said that they are doing 2 expansions. One is on the level and a half by pushing the building towards the back-yards and most of the expansion will be on top of an existing structure. The 2nd expansion will be a new addition of the master bedroom above the living room. The number of bedrooms remains the same. We are increasing the size and adding a bathroom.

Ms. Romeo said we are going from 4 bedrooms and 2 baths, to 5 bedrooms and 4 baths.

Mr. Rice, using exhibit A-2, explained what he was expanding and what he was expanding over. It will be expanded back about 6'6".

Mr. Rice explained the proposed changes / extension to the roof.

Ms. Romeo said the foot print of the house is not changing with the exception of a 5'6" by 7'6" piece that will be flush with the house.

Ms. Furio said you are building a roof over the air conditioning unit.

Mr. Rice said we will consult with a mechanical engineer but we are confident that we can do it because we are leaving enough room above the AC unit.

Mr. Rice described the variances. The minimum side yard is 15' and we are right now at 10.29' - we will not push closer to the property line. On the opposite side we are keeping that the way it is. The foot print of the house will remain as close as possible to what it is now. The only change will be above the AC unit, 5'6" by 7'6". That will be the impact on the Impervious area. However, the current AC unit does disturb the filtration of water. This is the only place where the foot-print will change. It will increase by .54%. or 41sq.ft. The FAR is increasing. We are over by 219 sq.ft. It allows for the modernization from a 50's house to a modern house, both interior and exterior. In the surroundings there are a lot of houses that are already up to date. We are not extending the variance in the Rear Yard Set-Back.

Ms. Furio asked how does the shed roof attach to the floor plan ?

Mr. Rice used the L2 drawing to explain how the shed roof fits in. There will be a floor over the AC unit.

Mr. Rice described the character of the surrounding neighborhood. The houses are a mix of houses built in the 50's and new houses that were either renovated or built. The new structure will fit in with the neighborhood.

Mr. Rice said the neighbor to the right is 27'6" structure to structure. The elongating of that side will have no impact on the neighbor's enjoyment of his property, light and air. The addition to the master bedroom is on the other side.

Ms. Romeo displayed and distributed a picture, A-4, showing the yard.

Mr. Rice said the distance structure to structure to the neighbor on the other side is 30'. This expansion will have no impact on light and air. Their house is towards the south. They have a shed that will cause a shadow on the applicant's house. We are abiding to the height requirement.

Mr. Rice said there is a lot of well kept landscaping along the lot line that we are not changing anything.

Ms. Romeo showed and distributed a picture of the landscaping and its relation to the neighbor.

Mr. Corona asked about a tree in the back of the house.

Mr. Rice said that the tree belongs to the property and that they will not touch it not any other tree or shrub.

Mr. Rice said that looking at the front of the house, if it was conforming, there would not be any difference in appearance.

Ms. Furio said in the Building Coverage, the existing is 21.9%, you are proposing 22.48%.

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1250 Levi (cont.)

91 11th St.

Block 144.01 Lot 11

Ms. Romeo said the increase is 0.58%

Ms. Furio said the FAR variance requested is 219 sq.ft. The addition is the piece over the AC unit.

Ms. Romeo said also the 2nd story addition on the other side of the house.

Mr. Rice explained some details of the drawings to board members.

Ms. Batistic said that the board is confused because the drawings are only showing the parts that are changed and not their relationship to the whole house.

Mr. Rice said that he only designed the additions. He explained the relationship of the new additions to the existing house.

Ms. Furio said you are raising the chimney. The addition will be no higher than the required 28', and the other roof line is not changing, except you will be going out in the back over the shed roof to make it one piece as evidenced by the last page (003) in your elevation. You are coming over the shed showing the little cut-out piece on the bottom which is hovering over the AC touching the addition that was put on in the 90's. You are raising the dining room / living room level with the bump-out.

Mr. Rice agreed.

Mr. Corona asked could you make it so the FAR complies.

Mr. Rice said that everything is doable but it will have a big impact on the design. The bedroom sizes will not be up to date.

Mr. Corona questioned the walk-in closet on A004 6'6" by 9.5'.

Mr. Rice confirmed it is a walk-in closet for the master bedroom. The reason the master bedroom is the size it is, is this is the foot-print of the lower level. It is doable but it will require a lot of re-framing and structural maneuvers to change. I am following the existing lines.

Mr. Van Horne asked where is the calculation for the FAR and the Impervious.

Mr. Rice displayed a diagram (A-7) for the Impervious calculation .

Mr. Corona asked if the concrete pad on the survey was considered.

Mr. Rice said it is not used now, but the owner would like to have a shed there. It is calculated in. It is 64 sq.ft.

Ms Batistic said that with the pad the Building Coverage variance will be more than 2.48%.

If you want to amend the application to add the shed, then you will not have to reapply to the board.

Ms Furio said you only gave us the view of what you are changing. But the sq.ft of the existing house plus the sq.ft of the addition is what we need for the calculation of the FAR.

Mr. Rice said that he took the measurements of the existing house and the FAR calculation was based on that. He apologized that he did not have it with him.

Ms. Furio said if you are adding an entire room over what is the dining room area and you only go up by 2.92% , what was it to begin with.

Ms Romeo said that the Building Coverage variance is 3.3% including the pad.

Mr. Rice said the existing house is 2000 sq.ft. When we are done it will be around 670 sq.ft.

Ms. Furio said you are going from 2000 sq.ft to 2670 sq.ft'

Ms. Batistic said that the maximum allowed sq.ft for the FAR is 2793 sq.ft.

Ms. Batistic said that she thinks that the existing is more than 2000 sq.ft.

Ms. Romeo said if you need these numbers we can bring you the numbers.

Ms. Furio said it is difficult to imagine without seeing what the house is and what you are doing to it.

Ms. Romeo said if we were to adjourn to the next meeting. You are asking for full floor plans for the structure, and the full outline of the FAR and the Impervious.

Ms Furio agreed.

Mr. Merzel said also the corrected numbers to the variances- resubmit the Schedule of Proposed Construction.

Ms Romeo consulted with Mr. Levi.

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1250 Levi (cont.) 91 11th St. Block 144.01 Lot 11

Ms. Romeo announced that ‘we can certainly do that’ .
 Ms. Furio said you are OK for adjournment to the next meeting on Aug. 28.
 Ms. Romeo agreed.
 The application was carried.
 Mr. Van Horne said you do not have to re-notice.

1251 Peter DeVries 83 Monroe Ave Block 72 Lot 30

The applicant are applying for the following variances to construct an attached garage

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	16.7'		8.3'
Side Yard Abutting/Lot	15 ft		2.4'	12.6'
Combined Side Yards	35 ft		13.6'	21.4'
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR	Variable 39%			
Lot Frontage	100 ft	50'		50'
Lot Depth	100 ft			
Bldg Coverage %	20%		27.6%	7.6%
Impervious Coverage	Variable 35%		41.4%	6.4%
Height	28 ft	28.48'		0.48'
Lot Area.	10,000 sq.ft	5000 sq.ft		5000 sq.ft
Driveway from Prop. line.	10'			

Mr. Corona and Ms. Furio recused themselves because they are neighbors.
 Ms Batistic chaired the meeting.
 Mr. Peter DeVries was sworn in.
 Mr. DeVries testified that they plan to construct a garage on the east, the broad most side of our property. The size of the garage is 14' by 24'.
 Ms. Batistic said you don't have any architectural / building plan only the site plan.
None of the members had any other plans except the site plan.
 Mr. Van Horne said that because 2 members recused themselves, you will need 4 affirmative votes. The secretary can sit in as a 5th member if you have no objections.
 Mr. DeVries said he had no objection.
 Ms. Batistic said there was only the engineering plan no architectural plan.
 Ms Batistic asked how high is the garage.
 Mr. DeVries said 12'.
 Mr. DeVries displayed the architectural plan, and said he had submitted 14 copies with his application on the 11th or the 14th.
 Ms. Batistic asked does the architectural plan show the same dimensions / foot-print as the site plan.
 Mr. Van Horne said that the architectural plans are submitted 10 days before the hearing so that the public has a chance to review them.
 Ms. Bauer said that normally when an application is submitted, all the documents are placed together on her desk.

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

Mr. DeVries said that he gave the application to Maureen.

Ms Batistic said that the architects plan consisted of 3 sheets. The 1st sheet are notes, the 2nd sheet are floor plans, the 3rd sheet shows elevations.

Mr. Van Horne asked if there was anyone in the audience here on account of this application?

Someone said that they were here to support the application.

Mr. Van Horne said we are going to take a 5 minute recess.

Ms. Batistic and Ms Bauer went into the Boro office to look for the architectural plans- none were found.

Ms. Batistic requested that the meeting be adjourned.

Mr. Van Horne explained to the applicant why it is advisable to carry the application to next month. You should call the town to see if the plans were found. If they are not found you must resubmit the plans but you do not need to re-notice.

Mr. DeVries said that he had brought the whole package to Boro Hall 2 weeks ago. It contained 14 copies of the letter of denial, the check-list, the application forms, the site plan and the architectural plan.

Mr. Van Horne apologized to the applicant.

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Memorializations

1245 Iris & Tomer Sharon 15 Holly Lane Block 196 Lot 16

The applicants were granted the following variances to construct a second floor addition. The side yard figures are entered based on the survey dated 04/03/14.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft	11.5' / 14.5'		3.5' / 0.5'
Combined Side Yards	35 ft	25.13		9.87'
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR	Variable			
Lot Frontage	100 ft	85'		15'
Lot Depth	100 ft	95'		5'
Bldg Coverage %	20%			
Impervious Coverage	Variable 31.4%	33.22%	32.52%	1.12%
Height	28 ft			
Lot Area.	10,000 sq.ft	8,075 sq.ft		1,925 sq.ft
Driveway from Prop. line.	10'			

1246 Andrew Shick 27 Churchill Rd Block 206 Lot 3

The applicant was granted the following variances to add a patio to his new pool area. The 500 gallon seepage pit, shown on the application, must be increased to 1000 gallons. The shed on the application is excluded from the application.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft			
Combined Side Yards	35 ft	31.1'		3.9'
Rear Yard Set Back	30 ft			
Max. Livable Fl.Area FAR	Variable			
Lot Frontage	100 ft			
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	Variable 30%		7.6%	7.6%
Height	28 ft			
Lot Area.	10,000 sq.ft			
Driveway from Prop. line.	10'			

Meeting adjourned at 10:25pm