

**Borough of Cresskill
Zoning Board of Adjustment
Minutes June 26, 2014**

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1243 Barnett & Reisner (Cont.)

210 Brookside Ave

Block 7 Lot 33

Ms. Furio asked it's a regular wood deck . On the ground there is no patio nor pavers.

Mr. Lurie said no, just steps down to the grass area.

Ms. Furio on the new deck you have 2 sets of stairs going down to the ground level.

Mr. Lurie said correct and described the location of the steps.

Mr. Lurie said the lot was on a very steep hill. The driveway is about 5.5' – 6' up from the street.

Ms Furio asked do you expect any issue with drainage ?

Mr. Lurie said no. We are not adding any area that is not there now. We are not changing the grades or the yards at all.

Ms. Furio asked who gave you the instructions to include the deck in the Impervious Coverage?

Mr. Lurie said that it was the Building dept.. They said that the deck is impervious.

Ms. Furio said that we have been using the deck as non-impervious if it drains to the ground. The calculation of 32.5 is the one that we are going from and 35.9 is the proposed. Instead of a reduction, the Impervious is a couple of points above. Do you have the sq.ft of the new deck ?

Mr. Lurie said its approximately 200 sq.ft. It brings it down 1.6%..

Ms. Furio said it is 34.3.

Ms. Batistic said a portion of the deck is covered.

Mr. Lurie said it has a small roof.

Mr. Lurie said the area without the roof is about 150 sq.ft. It is a 1.1% reduction.

Mr. Merzel asked so how much is the variance?

Ms Furio said 34.8% is the proposed which is 3.1 over.

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

Mr. Schuster asked why do you need the variance.

Mr. Lurie explained because the variance was already existing.

Mr. Schuster said so it is more conforming than it was before.

Mr. Merzel said from 32.5 we are going to 34.8

There was a discussion among the board members as to how the required Impervious Coverage was calculated.

Ms. Batistic made the motion to approve the application with a 3.1% Impervious Coverage Variance, over the 30.9% required.

Mr. DePalo seconded.

The application was granted.

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1244 MA Real Estate Holdings 63 Carlton Terrace Block 187 Lot 11

The applicants would like to construct an addition.

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	17.11'	15.51'	14.49'
Max. Livable Fl.Area FAR	Variable 30.36%		28.46%	
Lot Frontage	100 ft	97.08'		2.92'
Lot Depth	100 ft	99.58'		0.42'
Bldg Coverage %	20%			
Impervious Coverage	Variable 30.2%		28.46%	
Height	28 ft			
Lot Area.	10,000 sq.ft	8,990 sq.ft		1,010 sq.ft
Driveway from Prop. line.	10'			

John Manfredonia was the attorney representing the applicant.

Mr. Manfredonia testified that the applicant was seeking a bulk variance for the property on 63 Carlton Terrace. The applicant seeks a variance to add a second level to the existing home To allow a 4 bedroom home on the property. The property is irregular and undersized, therefore we have existing non-conformities. Therefore we seek a variance for the Rear Yard Set back where there is an existing 17.11', we are proposing 15.51' (a difference of 1.6'). The other variances are with lot size. We do not seek a variance with respect to the FAR. I will have the architect / planner, Myron Vigod, explain more detail of the proposed construction. Stephanie Pantale, Architect, is not here today, so Myron Vigod will testify as to the plans.

Myron Vigod was sworn in and gave his credentials.

Mr. Manfredonia moved to designate Myron Vigod as an expert architect.

Mr. Manfredonia presented photographs to the board and asked Mr. Vigod to testify as to the accuracy of the photos.

Mr. Vigod said he had been to the property twice and the photos were an accurate representation.

Mr. Schuster said that there were 2 pages of pictures with 2 pictures on each page.

Mr. Manfredonia designated the pictures as A-1 and distributed them to the board.

Mr Vigod said what is currently on the property is a one family single one story house with a one car garage. A minimal building on Carlton Terrace in keeping with 2 or 3 other very small houses. What is proposed is to add a 2nd story which would have 4 bedrooms and 2 bathrooms, and which would cantilever to the rear of the 2nd floor and that's what encroaches on the rear yard.

Mr. Manfredonia said looking at the drawings can you identify the cantilever.

Mr. Vigod identified the 2' overhang of the cantilever on the drawings.

Mr. Vigod said that the home will occupy the same footprint as the home that is there now. With the exception of the 2' cantilever. On the 1st floor the dining room has been enlarged and is encroaching on the existing covered porch. That is coming out in the front. Again it is not encroaching on any set backs.

Mr. Vigod said that he had examined the Zoning Limiting Schedule prepared by Ms. Pantale and it is accurate and correct.

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1244 MA Real Estate Holdings (cont) 63 Carlton Terrace Block 187 Lot 11

Mr. Vigod said that the rear yard set back is now 17.11' as shown on the survey. What is proposed is 15.51'. Without the overhang there is a saving of about 3 sq.ft. The property configuration is contributing to the variance. If the property was rectangular or square you would not have that requirement for that variance.

Mr. Manfredonia asked the variance for the rear yard negatively impact the light, air or space of any of the adjoining properties ?

Mr. Vigod said No .

Mr. Manfredonia asked does the proposed home fit within the side yard set-backs?.

Mr. Vigod said Yes.

Mr. Manfredonia will the proposed construction generate an inordinate demand on parking ?

Mr. Vigod said No.

Mr. Manfredonia asked have you examined the homes in the neighborhood ?

Mr. Vigod said Yes.

Mr. Manfredonia asked would this proposed home be consistent with the character of the other homes in the neighborhood?

Mr. Vigod said absolutely it is upgrading one of the few small houses on Carlton Terrace. On Carlton Terrace there are 3 very large homes, and the majority of the other homes are 2 story homes which this will certainly be in keeping.

Mr. Manfredonia asked will the variance promote the intent and purpose of the Zoning plan and Zoning ordinances in the borough of Cresskill.

Mr. Vigod said it will certainly be in keeping.

Mr. Manfredonia asked can the variances be granted without substantial detriment to the public good - of surrounding homes.

Mr. Vigod said Yes

Mr. Manfredonia asked can the variances be granted without substantial impairment to the intents and purpose of the Zoning plan?

Mr. Vigod said Yes

Ms. Furio said the driveway will not change.

Mr. Manfredonia if you compare the existing survey to the proposed plan, the driveway will not change

Ms. Furio said the porch as it stands is coming down and the new façade will be put in its place. That's where the dining room will extend where what is now the existing porch.

Mr. Schuster asked if the porch would be extended.

Mr. Vigod said there would still be a little porch left.

Mr. Schuster said there would not be any additional porch area

Mr. Manfredonia said that would be an entry landing area.

Ms. Furio said the cantilever 2' second floor is what is encroaching on the right corner.

Ms. Furio said that the patio in the back will remain. Everything else is the same.

Mr. Manfredonia agreed.

Ms. Batistic asked the 12' by 16' patio in the back, is it new or existing.

Ms. Batistic said that it was penciled in on the plan.

Ms. Michal Chen (37 New St., Cresskill) was sworn in.

Ms. Chen said that there would be no patio. It was just marked as a suggestion. There would be sliding doors to the outside which is just grass on the landing area.

Mr. Manfredonia said we hereby revise our plan to exclude this 12' by 16' patio designation.

Ms. Furio asked was it included in the Impervious?

Mr. Merzel pointed out an error (typo) in the agenda which showed the Impervious as 5%.

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Mr. Manfredonia said that the patio was not counted into the Impervious because there would be no patio.

Ms. Batistic asked about the increase in Building coverage from 17.44% to 17.75%.

There was a discussion among the board members and the applicants as to what was the cause of the increase.

Ms. Chen said that the entire covered porch would be removed. There will be new masonry just for this part. Only a tiny part will be used to bump out the dining area.

Ms. Furio said it is the bump-out that is in the family room that what seems to be contributing.

Ms. Chen said that there was no bump-out of the family room.

Mr. Vigod said the bump-out in the family room is a bay window.

Mr. Manfredonia said the reason the Coverage has increased only slightly, is because most of the existing porch is coming down.

Mr Schuster said that if the existing porch is coming down and the dining room expands into that area, then where is the additional sq. footage?

Mr. Vigod said that there still will be half the porch left.

There was a discussion among board members regarding the calculation of the proposed Building Coverage.

Mr. Shuster said that the proposed Building Coverage should be zero or negative.

Mr. Manfredonia said regardless of what the number is, it is still under 20%.

Ms. Furio said that it may be under 20%, but it makes a difference if in the future they want to do something else. If we are voting on a number that's not correct, and we have to base the next project on that erroneous number. It is to your benefit to ensure that it is right. If in the future you want to go with something else, you may come across a problem because you are already starting to be over what you are looking for.

Mr. Manfredonia said I believe it is accurate.

Mr. Schuster said it is not accurate, because if you are taking away how can you have more.

The applicants had a discussion among themselves.

Mr. Merzel said we do not need to concern ourselves with the Coverage calculation because we are not voting on a variance to the Coverage. There may be other mistakes as well, but we are not being asked to vote on them.

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

Ms. Furio said would someone on the board like to make the motion to approve or deny the application, with the provision not to include the 12' by 16' Patio on the site plan.

Mr. Merzel made the motion to approve the application, without the Patio, because the angled back-yard is a hardship. The Rear Yard Set-Back variance is the only one granted in this application. All others are existing.

Mr. Corona seconded.

The application was granted.

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

The applicants would like to construct a second floor addition.

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft	11.31'/13.81'		8.68'/3.68'
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%		1.82%
Height	28 ft			
Lot Area.	10,000 sq.ft	8,075 sq.ft		1,925 sq.ft
Driveway from Prop. line.	10'			

Ms. Vanessa Falkenstern introduced herself as associate of the law firm of Steven Stenezy (2 Sears Drive Paramus NJ) she will represent the property owners / applicants. Mrs Iris Sharon and Mr. Uri Rapaport, Architect, are here.

Ms. Falkenstern testified that the variances sought are pre-existing. The applicants propose to add a 2nd floor addition to the property.

Mrs. Sharon and Mr. Rapaport were sworn in.

With Prompting from Ms. Falkenstern, Mrs. Sharon testified:

She and her husband were the owners of 15 Holly Lane. The property was purchased in 2014. They plan to move into the house. The family became bigger with a new baby, and we need more space. They looked for a new house for a year. After looking at houses on Holly Lane, they thought that they could add another level. Without the addition, the house would not have enough bedrooms or bathrooms. She had surveyed the neighborhood in preparing to work with the architect. She had personally taken photographs of the home and the homes in the surrounding community.

Mr. Schuster said to mark the photographs A1 to A5.

Mrs. Sharon described the photographs:

A-1 is the house on 15 Holly Lane and the new addition on the neighbor's house on Clark St.

A-2 is the house to the left facing the house.

A-3 is the house on the right facing the house.

A-4 is the house across the street

Ms. Falkenstern said that the purpose of the photos is to inform the board of the current streetscape.

Mr. Rapaport gave his credentials.

With Prompting from Ms. Falkenstern, Mr. Rapaport testified:

1245 Iris & Tomer Sharon (cont.) 15 Holly Lane Block 196 Lot 16

He was hired by the Sharon family to create an addition to an existing house. He has inspected the house and surrounding property. He started the project 3 months ago.

We are looking to enlarge the house and add a 2nd floor. We kept the first floor as is. We did not change the first floor externally. We added the 2nd floor onto the first floor, but we did not use the full footprint, in order to meet the Zoning requirements.

Mr. Rapaport said that he had prepared the 6 pages of the plan and had signed the plan.

Ms. Falkenstern submitted the plan as exhibit A-5.

Mr. Rapaport described each page of the plans.

Mr. Rapaport said he had reviewed the letter of denial from the Zoning official. He agrees with the table shown on the letter. He had taken care to design the addition so as not to create new existing variances. The footprint of the property is not changing.

Ms. Falkenstern asked does the design of the second floor addition comply with the current Zoning ordinances and complies with the height requirement in the R-10 zone.

Mr. Rapaport said that it did.

Ms. Falkenstern asked in your opinion, as architect, does the improvements, as depicted on your plan, embody good civic design and arrangements?

Mr. Rapaport said he believes it does. Some homes on the street have been enlarged. The neighborhood will change over time. There is nothing in the design that will be out of place in the neighborhood. The design is consistent with the current streetscape, and will promote a desirable visual environment to the community.

Ms Furio asked what is the square footage of the new proposed floor.

Mr. Rapaport said it was on page 1 of the plans under the table. (*existing 1st floor is 1651sf and proposed 2nd floor is 1218 sf.*)

Mr. Schuster asked do you comply with the FAR?

Mr. Rapaport said that he does.

Ms Batistic asked what is the FAR requirement.

Mr. Rapaport said on Page 1 of the plans shows the FAR is 32.52%, which is 2626 sq.ft.

Mr. Schuster said that was the maximum FAR.

Ms Furio said that the allowed FAR is 2626 sq.ft and the proposed is 2625 sq.ft.

Mr Corona asked about the proposed 1st floor plan of the living room.

Mr. Rapaport said that in the living-room the window backs out like a bay window but does not go down as far. It continues on the 2nd floor.

Mr. Corona asked if that changed the footprint in the front of the house.

Mr. Rapaport said we don't have to change the footing.

Mr. Schuster said you have a one foot cantilever on the north side of the property and just under a foot cantilever on the south side.

Mr. Schuster explained what he meant by pointing out details on the plan.

Mr. Schuster asked for an explanation for the discrepancy.

Mr. Rapaport apologized for the confusion. When they did the design they had an out-dated survey. But regardless this dimension does not affect us. We are not changing the dimension .

Mr. Schuster said it does not effect the side yard. On the other side there are 2 dimensions: the 13.8 is dimension to the side of the house and the 15 is to ?

Mr. Rapaport said that the ? you want is the existing which is below the requirement. The minimum requirement is 15, that's why we took the 2nd floor set-back'

Mr. Merzel said that the main survey says 14.5 on the side.

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1245 Iris & Tomer Sharon (cont.) 15 Holly Lane Block 196 Lot 16

Mr. Rapaport said we had some confusion because if you add overall we have 85'. I'm not sure which number is correct.

Mr. Rapaport said we had some confusion because if you add overall we have 85'. I'm not sure which number is correct.

Mr. Merzel asked this is the correct survey ? If I were to look at this one there is a half a foot variance from 15'. If you are telling me that it is not 14.5, that the existing is less than that, it would mean that you need a bigger variance.

Mr. Rapaport said I am not a surveyor and I cannot verify which dimension is the correct one. If the board would allow us to continue the existing 14.5', to continue that wall all the way up to the 2nd floor, it would be nicer. But I would just try to meet the requirements.

Mr. Merzel asked for an explanation of the 2 numbers shown as variance for Side Yard Abutting/Lot - 8.68'/3.68'.

Mr. Rapaport said the construction official took the minimum of 15' and the combined of 35'

Ms. Furio said he did the numbers from the 1st floor and the 2nd floor. The 2nd floor was pulled back a foot to comply with the side yard, rather than going straight up with a side yard that is not compliant.

Mr. Merzel asked where was an 8.68' made of?

Mr. Rapaport said that is what is missing from the 15'. Altogether you need 35'.

Mr. Merzel asked for an explanation of line:

		Existing		Variance
Side Yard Abutting/Lot	15 ft	11.31'/13.81'		8.68'/3.68'

Mr. Merzel said that he would not vote for a variance with numbers like this.

Ms. Furio said that she understood what they did. The reason for the confusion is because they put the side yard abutting lot 15'. The 11.31' existing seems to be the south side of the property, the north side is 13.81.

Mr. Merzel said if we go by the latest survey, its 11.5 on the left and 14.5. If we go by that, the variances would be 3.5' on one side and 0.5' on the other.

Ms. Furio said the 2nd floor is pulled back to accommodate all the variances. The Far is at one foot.

Mr. Merzel said I go by the certified survey dated 04/03/14.

Ms. Furio said that's what we will go by.

Ms. Furio said the Impervious is 2,683 sq.ft. The proposed is 32.52% as shown.

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

Mr. Corona made the motion to approve the application with the stipulation that the correct side yard figures are entered into the variance based on the survey dated 04/03/14.

Mr. Merzel seconded.

The application was granted.

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1246 Andrew Shick (Cont.) 27 Churchill Rd Block 206 Lot 3

Ms. Furio asked when was the pool permit granted.

Mrs. Schick said about 2 months ago. It was a 2 phase thing. We spoke to the Zoning official. They did grant them a variance. They showed them whatever it was to bring it down. They allowed a phase one. For financial reasons it was 2 phase but we ran everything through them.

Ms. Furio said you had a permit for the pool.

Mr. Schuster said that the shed will be built as an auxiliary structure so the set back is 5'.

Ms. Furio said I don't know that you can calculate the actual amount to reduce the Impervious Coverage. With everything that you have going on here are you willing to reduce the size.

Mr. Schick said yes.

Ms. Furio asked **Ms. Batistic** if she could give them an educated guess on how much would have to be removed to meet the requirement.

Ms. Batistic calculated 1140 sq.ft. which is just about the whole patio.

Mr. McLaughlin said that he had visited the property and asked some questions about the construction.

Ms. Furio asked in which part of the project was the pad included.

Mrs. Schick said the first part.

Mr. Schick said that he would not build the shed.

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

Mr. Merzel asked what would be included in this application

Ms. Furio said that applicant will remove the 10' by 12' shed. The patio around the pool will stay the way it is.

Ms. Batistic said that removing the shed reduces the variance from 7.6 to 6.8.

Mr. Merzel asked if there was a seepage pit now on the property.

Mr. Schick said that there was none. The red line is the drain that leads to the seepage pit.

Mr. Merzel said that the seepage pit would mitigate for the loss of pervious coverage Is a 500 gallon seepage pit considered a big one.

Ms. Batistic said that it was the smallest size. The next size is 1000 gallons.

Mr. Merzel asked would you consider increasing the size of the seepage pit ?

Mr. Schick said that he could. There are no run-off issues as is, the property is pretty flat.

Mr. Merzel said you are asking for almost 7% Impervious Coverage. I don't know what the hardship is.

Mr. Schuster asked if the road pitched down towards County Rd.

Mr Schick said we are about a foot and a half on the survey from one side to another.

Ms Furio asked Ms Batistic what is the average size of a seepage pit for this size of property

Ms Batistic said that depends on what drains to it, what is connected to it. Unless there is a huge rainfall the rain will stay in the pool. The only surface that will go into this seepage pit will be from the patio.

Ms. Batistic said that the 500 gallon seepage pit would be adequate for about an inch. With 1000 gallon the seepage pit would take 2 inches of rainfall on the patio. Right now the ground takes all that water. The seepage pit is probably undersized.

Mr. Merzel asked when was this seepage pit was approved.

Mr. Schick said that initially there was no Impervious increase, so there was no seepage pit included.

Ms Batistic said that typically a seepage pit is designed for 2 inches of rainfall. What was the basis for the design of this seepage pit.

Ms. Furio said you have the option of saying that you will put in the 1000 gallon seepage pit and we vote on it, or we can continue to next month and get some calculation that the 500 gallon tank will

1246 Andrew Shick (Cont.) 27 Churchill Rd Block 206 Lot 3

accommodate 'X' or a 1000 gallon tank will accommodate two inches of rain or 1000 sq.ft of Impervious Coverage which would give us something a little more concrete to base our opinion on. Right now none of us are certified as to what size of tank will be adequate. If we put it to a vote, and say 'No', you will have to start all over. Your choices are to continue and get calculations, or say 'we'll go with the 1000' and leave the plans as they are, and put it to a vote.

If we say 'No' you will have to re-notice and re-file. If you continue, everything stays the same and you are out 30 days. If you continue to next month, you do not have to re-notice, you do not have to re-file, everything stays the same. You just need to give us more information to say that the drainage pit needs to be 500 or the drainage pit needs to be 1000; and you can keep the shed and the size of the Impervious Coverage. Right now no one is really sure, and if we say go ahead with this, its not going to be adequate, and you are going to have a problem. If you decide not to change the size of the pit and we say 'No' then you will have to start over.

Mrs. Schick asked if we say yes to the 1000 and we meet with the architect and the pool people and decide to go back to the 500 are we stuck with the 1000

Ms Furio said if you can bring some documentation by th guy who did this with the calculation that says that a 500 gallon seepage pit will accommodate the run-off from the proposed Impervious Coverage then those are the numbers that we can go by. If we don't hear it now, we will hear it next month. We are still looking for a 7% increase but with a 1000 gallon seepage pit.

Mr Schick asked would 1000 gallons be sufficient, in your opinion ?

Ms Furio said that generally the numbers show that 1000 accommodates the 2 inch rain. The 500 does not seem adequate to accommodate the rain.

Mr. Schick said that he will increase the seepage pit to 1000 and take the shed out.

Ms. Furio said that the Impervious would be reduced to 6.8%.

Ms Westerfeld made the motion to approve the application with a 1000 gallon seepage pit and the removal of the shed from the application.

Mr. DePalo seconded.

The application was granted.

The meeting was opened to the public.

Mr. William Selvin (?) said that he was here for an application on E. Madison.

He was told that the application was not on the agenda. The agenda is published in the Northern Press and is placed on the Boro Bulletin board

There were no memorializations at this hearing.

The meeting was adjourned at 9:58 pm