

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 8 pm  
Minutes Apr. 25, 2019**

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Present: Ms. Batistic , Mr. Corona, Ms. Furio, Mr. Kassis, Ms. Schultz-Rummel, Ms. Westerfeld, Mr. Cleary, Mr McCord, Mr. Ron Mondello (Board Attorney), Ms. Bauer (recording secretary)

Absent:

The meeting was called to order at 8:00 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 Mar. 28, 2018 meeting were approved. . (Mr. Kassis, Mr. Corona)

**Applications**

**1341 Vanessa Miletic 62 Delmar Ave. B 1603 L 7**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft	7.71'	7.71'	7.29'
Other Side Yard	20 ft		12.37'	7.63'
Combined Side Yards	35 ft	20.24'	20.08'	14.92'
Rear Yard Set Back	30 ft			
Max. Livable Fl. Area (FAR)	36.66%			
Lot Frontage	100'	62.18'	62.18'	ENC
Lot Depth	100'			
Bldg. Coverage	20%	21%	24.7%	4.7%
Impervious Coverage	30%			
Height of Bldg	28'			
Lot Area	10,000 sq.ft		6218 sq.ft	ENC
Driveway	10'		5'	5'

**The applicant proposed an addition**

**The application was carried from the March ZBOA meeting because the vote was tied.**

**Mr. Ron Mondello Esq.** introduced himself. He is alternate for Mr. Van Horne who could not attend this ZBOA session.. He has been briefed by Mr. Van Horne as follows:

*On Application 1341—that resulted in a 3-3 tie vote on a motion to deny the Application. If it was a tie on a motion to approve it would have been deemed a denial of the Application but it was on a motion to deny. See the attached pages from Cox for authority on this.*

*Rather than have the Board rephrase the motion and take another vote, it was decided with the applicant's consent, that he'd ask for the reconsideration of his application with the ability to provide some brief additional testimony at the next hearing (as to the distance between the subject house and the adjacent house since side yard setbacks were in issue; and in the meantime, a 7<sup>th</sup> Board member would listen to the tapes and review the minutes. That is happening.*

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*So, assuming the 7<sup>th</sup> member will certify that he listened to the transcripts, after the additional testimony, Board members can move for approval or denial. I suggest that you ask the 7<sup>th</sup> member to certify under penalties of perjury that he listened to the tape and read the minutes of the hearing;*

*On Application 1342—the Application was carried so the Applicant can bring an Architect or Engineer to testify as to the distances between the structure on the adjacent property and the structure on his property. If the distance is not adequate (10') then the application will be withdrawn. If not, a motion for approval or denial will have to be made and voted on.*

**Mr. Mondello** asked if either of the board members that were absent for the March 28 ZBOA session had either listened to the CD or read the transcript.

**Mr. Cleary and Mr McCord** said that they had.

**Mr. Mondello** said both of you would swear under perjury of law that you read the minutes ?

**Mr. Cleary and Mr McCord** said yes.

**Mr. Mondello** said You are now authorized to vote on this application.

**Ms. Furio** said you have been sworn in and we carried it so you are still....

**Mr. Vincent Laino. Architect,** said we would like to submit 14 copies of additional information.

**Ms. Furio** said this is A-1.

**Mr. Laino** said we are calling it 'impacting'..

**Ms. Furio** said we'll call it A-1.

**Mr. Mondello** said I apologize. Could you please state your name for the record.

**Mr. Laino** said my name is Vincent J. Laino

**Mr. Mondello** said and you were previously sworn ?

**Mr. Laino** said correct.

*Copies of A-1 were distributed.*

**Mr. Laino** said at the last hearing, I think there were 2 issues that I faltered on, and I apologize. One was, we failed to provide the existing distance to the adjoining structures on the east and the west side. We submitted 10 days before this hearing, that the house to the East of this property is approximately 27' 10", and the house to the West of the property is approximately 20' 5". The other thing that I didn't really make so clear was the misperception that this was a one story house and that we were adding a 2<sup>nd</sup> story and doubling the size of the house. When in reality, we are raising the rig by approximately 4'. We are not going on the sides. We are not extending the envelope. The middle of the lot width is 100' and our lot is a little over 62', so that's 62% , and regarding the building coverage variance, we are also about 62% as we are about 6200 sq.ft in a minimum a 10,000 sq.ft lot size. If we just quickly look at the Impact study. The first page shows the existing house in the middle. And to the left and right are the neighboring properties. The house to the left we are referring to the east that's the one that's approximately 27' 10". The house to the right which is the west of the property is 20' 5". If you go to the 2<sup>nd</sup> page, we show an existing and proposed massing. Very rough, but I think what it tries to show you is that we get the benefit of the slope of the street, it goes up, and the house to the right and the house to the left, if you look to the bottom, we won't be exceeding either ridge in terms of height . I think it also indicates that it doesn't really impact the states, in my opinion, between the houses greatly. The 3<sup>rd</sup> page, shows the same comparison but just a little bit of an elevation view that shows the house to the east, which again is 27' 10", away from the existing structure. Again it is showing that it might be just a little bit taller than the house to the left. On the 4<sup>th</sup> page, same exercise, this house again is 20' 5". In our project we will be bringing it up to the same height. The 5<sup>th</sup> page, this shows some typical distances between houses on the block, and the same thing with the last page.

**Ms. Furio** said you are not going the full... you are just making it a story and a half ?

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**Mr. Laino** said the existing house is already 2 stories and its 28' deep and its cape and the rooms are very small. We are going from 23' to 27'.....

**Mr. Laino** apologized for not explaining it clearly at the previous hearing.

**Ms. Furio** said the only other point was that you are going to go straight across- you are going to raise it up a little bit and go over the single car garage to add a little space. Which is kind of mirroring what's on the other side - the neighboring garage.

**Mr. Laino** said hopefully you still have the drawings dated March 12, 2019, that were submitted at the last hearing.

**Ms. Furio** said you have made that crystal clear. Based on the minutes of the questions previously presented and the new information that we have now.

**Mr. Kassis** said can I just confirm on the page 2 of the existing massing the house in orange is the house in the application ?

**Mr. Laino** said correct for all 3 .....

**Ms. Furio** said after having remembered the last meeting, and the additional two board members listening to the tape and the additional information now presented. Does anyone on the board have any questions or comments about the application ?

**Mr. Corona** asked about the proposed deck.

**Mr. Laino** said the existing rear deck goes about 3.5' beyond further into the side so we are taking that deck down and we're now going to stay in line with the existing house. So, we are making that a better condition by about 3.5' than was existing.

**Ms. Furio** said so that whole corner piece comes off and you are just going straight out the back.

**Mr. Laino** said.... correct site plan..

**Mr. Kassis** said what was proposed last month and what was proposed this month, there is no...the garage which is currently set back (I'm looking for a distance and have trouble finding it) the current distance of the garage to the face of the ?? what is the approximate distance that it is currently ?

**Mr. Laino** said about 4' 2". You mean how far is the garage set back from ...I think its about 4.2'.

**Mr. Kassis** said OK.

**Mr. Kassis** said considering that there is a variance being issued on that side, is there a way to minimize the variance of the existing front face of the garage – it maintains the same level- so we are not having a straight line straight across .

**Mr. Laino** said you mean could we keep that set backwards ? We could. The garage is very narrow. So its nice with a garage is to be able to have a shop area or work area. By the fact that we can't go sideways, make it deeper , it allows the kind of working area...

**Mr. Kassis** said the reason I say that is page 4. On page 4 the proposed mass in comparison to the house on the right is significantly larger than what's on the right hand side. They have a set back on their garage, you currently have a set-back on your garage according to what the picture shows. I think that continuity is important when considering variances. Air, light and such, and the necessity to create larger set-backs while it may be a technical variance, something that is existing. Right now existing only to a certain distance. You are asking to extend that beyond the current distance to create a new expanded....It will also gives the house a little definition and will be more fitting with the rest of the houses that you are showing on the picture. If its only 3' or 4'...

**Mr. Laino** said if you look atPage 2.01, from the March 12 package, there was a kind of simplicity to the house that we don't show in the massing. For sure now, if it means that we would not get the variances, that I am sure that we would consider – we would step aside to hold that line.

**Mr. Kassis** said first I could see myself hoarding the variance with the set-back and leaving the drifting line then changing it and then doing everything else that you want.

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**Ms. Batistic** said what about the 2<sup>nd</sup> story ? Would it be cantilevered or ....

**Mr. Laino** said for the 2<sup>nd</sup> story you want to follow that....

**Ms. Furio** said the house on both sides is the garage on the left, on the 2<sup>nd</sup> page is that set back ?

**Mr. Laino** said it was set back.

**Ms. Furio** said the one on the other side is as well.

**Mr. Laino** said he was not sure.

**Mr. Kassis** said that from the picture it appears that way.

**Ms. Furio** said on the other pictures that you have on the last page, on the top, for referencing, did see neighboring, adjoining massing- 52 Delmar (I guess). That's even across the front, I can see that on the right side of the top picture on the left page. The same picture, the house on the left is there a garage ?

**Ms. Miletic** said it's the same builder... the same model...4 homes in there ... the same model

**Ms. Furio** said and the one at the bottom, there's a new home there, is there a garage there ?

**Ms. Miletic** said if you go on the side. It's a corner lot, it's a two car garage, that used to be a one car garage.

**Ms. Furio** asked what is the line hold there ?

**Ms. Miletic** said I think it goes straight across so its like a box. I'm pretty sure, we went to see the house.

**Ms. Furio** said and the older home which is bottom picture left. Does that even have a garage ?

**Ms Miletic** said its detached.

**Ms. Furio** said so the three newer homes on the left page are all straight across . And the ones to the right and left of you- they appear to both be set back but they are not newer homes- they are older, kind of in the same genre as you have .

**Mr. Laino** said and the neighborhood is changing.

**Mr. Kassis** said now the 62 Delmar picture that is on the bottom, that's an addition that's set back.

**Ms. Furio and Mr. Laino** said that they are all set back.

**Mr. Kassis** said page 5 shows the set back division on the right hand side.

**Mr. Laino** said ( indicating a page) neither of these are 62 Delmar , these are just showing other houses on the block. Air space between adjoining structures.

**Ms. Furio** said it appears, that's what I think you mean here, that column on the very left hand side of the bottom picture delineates- is that straight across or is that set back ?

**Mr. Laino** said I think that's a center piece. Similar to what we are proposing, if you look on 2'01. I think that's similar with the houses on each side where you see..

**Ms Furio** said so that's what that column is there ?

**Mr. Laino** said I believe so

**Ms. Furio** asked the 2<sup>nd</sup> floor is it set back, and the 2<sup>nd</sup> roof line is it set back, or is it straight up, and you have the architectural roof line ?

**Mr. Laino** said that clearly steps back about 2' to 3'.

**Ms. Furio** said 2' to 3' on the 2<sup>nd</sup> floor.

**Mr. Laino** said on the 2<sup>nd</sup> floor.

**Ms. Furio** said we have one set-back as a newer home, all the rest seem to go straight across based on the pictures on page 5 except for the older home which has a detached garage. The homes that flank you on both sides, appear to be older but not quite as old as yours and their garages are stepped back.

**Mr. Laino** said correct.

**Ms. Furio** said in your consideration, you are going to pull the garage forward and go over, and its coming forward about 4'.

**Mr. Laino** said you are saying its only 4', but it has a bigger impact on the 2<sup>nd</sup> floor than on the 1<sup>st</sup> floor, because we are trying to get 3 bedrooms up there for a growing family. I think if you look on the 2<sup>nd</sup> page, ...it

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feels very in keeping and in scale with the neighborhood....If you go over one block, the additions are much bigger than what you are seeing here in terms of scale and relationship to each other.

**Ms. Furio** asked does anyone on the board have further questions or comments based on information as provided ?

**Mr. Kassiss** asked so is there going to be a change, or we're voting on the application ?

**Ms. Furio** asked is there anyone in the audience for or against the application as now presented ? The light, air and space between the adjoining homes.

**Mr. Mondello Esq.** apologized that he did not have the site plans.

**Mr. Mondello Esq.** asked are you increasing the driveway ?

**Mr. Laino** said yes....

**Mr. Mondello Esq.** said does that not change your Impervious Coverage ?

There is 30% shown and then there is nothing with respect for Existing, Proposed or a Variance. If you are adding asphalt, you are increasing the Impervious Coverage, are you not ?

**Mr. Laino** said the required Impervious Coverage is 33% and with this project we will be at 30%.

**Mr. Mondello Esq.** said so you are improving the current condition ? You are saying that right now its at 33.3%

**Mr. Laino** said no, no, no it's a sliding scale depending...

**Mr. Mondello Esq.** said I apologize. It says 30% is required here.

**Mr. Laino** said so the maximum is 33% and we're at 30%.

**Mr. Mondello Esq.** said OK, thank-you.

**Mr. Laino** said it's a good question.

**Ms. Furio** said its based on the Frontage.

**Mr. Mondello Esq.** said your ordinance places Impervious Coverage based on the Coverage.

**Ms. Furio** said any other questions or comments ?

**Mr. Kassiss** said according to your testimony, you said that the house on either side of you has a set-back garage. I'm not sure if they are planning anytime soon to do a big an addition as well....consider existing site conditions that may remain for many years... My concern is moving your right side variance closer to the street.

**Mr. Laino** said so, how does it work. Could we wait to see the vote and then say we would do that or.....

**Ms. Furio** said the considerations are based on your site that's what we are looking at. We ask questions about the neighboring property, and how far, just because we don't want to approve of something that is going to be giant and the next guy gets giant so we have to consider the other things. But we're voting on is your application. So you have one of two choices: you go with what you have, and the other 2 board members just listened – give them one more chance to make comments, and you leave it the way it is, and we vote; or you say, OK I'm going to pull it back and we vote on that. So either go with what you have, or pull it back. But we can't vote on one and then you say 'Oh, OK I'll pull it back '.....so its one or the other.

**Mr. Laino** said I'll return in another month at that point then.

**Ms. Furio** said well you can amend down, then we'll accept the facts, and pull the garage back and cantilever the top, or pull the garage back and pull the top back, and that's what we are going to go with and we'll vote on that. Or you can say this is kind of what we got, and we did the best we could. Its as minimalist as possible to allow livable space for the family and this is what we want to go with. So choose one or the other.

**Mr. Mondello Esq.** said may I add something ?

**Ms. Furio** said you may.

**Mr. Mondello Esq.** said if the board does decide to deny the relief sought- I know you mentioned something about coming back in a month- the actual application, there would have to be a substantial change to the application, otherwise the Zoning Board would not have jurisdiction even to hear it- a substantial change.

**Mr. Laino** said we will set it back 4'.

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**Ms. Furio** said set it back 4' - OK.

**Ms. Furio** asked questions or comments from the board ?

**Mr. Kassis** said we are going to stay on the same foundation foot-print that currently exists. To make it clear.

**Mr. Laino** said correct.

**Ms. Furio** said would someone on the board like to make a motion to approve or deny the application with the set-back as stated.

**Mr. Kassis** said I'll make a motion to approve the application with those changes.

**Ms. Batistic** seconded.

**The Application was Granted Unanimously .**

**1342 Fuat Mamo 384 Lafayette St. B 104 L 17**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft	12.8'	5.75'	9.25'
Other Side Yard	20 ft	12.8'	12.8'	7.2'
Combined Side Yards	35 ft	25.6'	18.55'	16.45'
Rear Yard Set Back	30 ft			
Max. Livable Fl. Area (FAR)	34.86%			
Lot Frontage	100'			
Lot Depth	100'			
Bldg. Coverage	20%	25.2%	23.5%	3.5%
Impervious Coverage	30%			
Height of Bldg	28'			
Lot Area	10,000 sq.ft			

**The applicant proposes to construct an addition.**

**The application was carried from the March ZBOA meeting**

**Mr. Mondello Esq.** said Good Evening, it is my understanding from the last hearing, that the Board had enquired as to certain distances between structural, on the adjacent property and the board was seeking, whether it be an architect or an engineer, to be sworn and give some testimony . Need not repeat what was done previously, but give some testimony with respect to those distances. Are you prepared to do that this evening ?

**Mr. Kent Rigg** (Engineer, 24 Godwin Ave Midland Park) said yes.

**Mr. Rigg** was sworn in and gave his qualifications.

**Mr. Rigg** testified that he did go out to the site, and he measured the distance from the existing building to the adjoining garage. There is a step forward where I measured from that distance and then subtracted the width of the proposed garage and based on that the final distance after construction would be 10' 11.5" between the new garage and the existing detached garage on the adjoining property.

**Ms. Furio confirmed on the plan, the distance measured is 10' 11.5".**

**Ms. Furio** asked is that corner to corner, is it a diagonal, is it straight ? How did you get to 10 ?...

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**Mr. Rigg** said right now the existing one car garage is actually set back from the rear line of the adjoining garage. The new garage will be set forward so there will be a perpendicular distance between the new garage and the old garage. That would be the shortest distance and that would be the 10'....

**Ms. Furio** said OK. I wanted to clarify so that we all understood that.

**Mr. Kassis** said your site plan on page 1 which shows the distance where it says 5.75 that would be the corner of the proposed garage. That straight line goes back crossing with.....the garage face...the garage door of the neighbor on the right hand side.

**Mr. Rigg** said for verification, this is my site plan, I did review it and I am...

**Mr Kassis** said OK. So that number 5.75 is that number ...

**Mr. Rigg** said yes

**Mr. Kassis** said OK, if that was a straight line and you drew it across the property next door, how far back is the garage ?

**Mr. Rigg** said the adjoining garage, the detached garage which is set forward, right now the real line of the detached garage face forward is closer to the street than the front line of the existing garage. The only reason they are getting closer is because the proposed garage on this property is going to be moved forward. So now instead of having a diagonal distance between the two its actually a perpendicular distance between them. The front line of the new garage will be closer to the street than the rear line of the adjoining garage.

**Ms. Batistic** asked what is the overlap ?

**Mr. Rigg** said roughly 2' or 3'.

**Ms. Batistic** said from the rear line of the adjoining garage to the front.

**Mr. Rigg** said of the new garage.

**Ms. Batistic** said 3' or 4'.

**Mr. Rigg** said yes.

*There was a discussion among board members and Mr. Rigg concerning the interpretation of the plans.*

*Mr. Mamo explained the location of the garage.*

**Ms. Furio** said you have to come around the corner to pull into the garage. Your house is next to theirs and your driveway is back here so you are pulling your garage forward and will be this way rather than this way.

*Further discussion among board members concerning the plans*

**Mr. Mano** said I apologized to the Board because I misunderstood the distance from the garage and the sides of the house. Actually I took the structure of the house...but by doing all that... Building Coverage is 25.5% now will be 23.5 %.....

**Ms. Furio** passed around to the Board members the photo of the property that had been submitted by the applicant at the March 26, 2019 hearing.

**Ms. Furio** asked does anyone on the board have any questions or comments based on the new information?

**Ms. Furio** asked is anyone in the audience for or against this application as presented with the information of the distance between the 2 garages.

**Mr. Kassis** said you are moving the front wall of the garage flush to the base of the building .

**Mr. Mano** said yes 2' back actually ...

**Ms. Furio** said you stepped back 2'.

**Mr. Mano** said yes, stepped back 2'. We are removing part of the garage behind and reducing the Building Coverage and by bringing the garage forward also we are removing the driveway and the Building Coverage goes down.

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**Ms. Furio** asked questions or comments ?

**Ms. Furio** asked would anyone like to make a motion to approve or deny the application with the new information as presented ?

**Mr. Kassis** said I make the motion to deny the application over concern with the side-yards.

**Ms Furio** said do I hear a second ?

**Mr Cleary** seconded.

**Ms. Furio** said a 'yes' vote is to deny the application, 'no' is to approve.

**Mr. Morgan** recused himself. He had been absent for the March hearing.

*Ms Batistic, Mr. Corona, Ms Westerfeld, Ms. Furio voted 'No'.*

*Mr. Cleary, Mr. Kassis, Ms Schultz Rummel voted 'Yes'.*

*Mr. McCord was recused*

**The Application was granted.**

**1343    John Finetto                    159 Magnolia Ave.                    B 32    L 363-364**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	17.62" (Magnolia) 17.36' (Eighth St)	17.5'(to landing) 20' (to home)  17'	7.5' 5'  8'
Side Yard Abutting/Lot	15 ft	10.19'	7'	8'
Other Side Yard	20 ft		18'	7'
Combined Side Yards	35 ft		25'	10'
Rear Yard Set Back	30 ft	37.4'	24'	6'
Max. Livable Fl. Area (FAR)	39%	25%	49.6%	10.6%
Lot Frontage	100'			
Lot Depth	100'			
Bldg. Coverage	20%	18.1%	27.42%	7.42%
Impervious Coverage	35%	29.2%	36.4%	1.4%
Height of Bldg	28'			
Lot Area	10,000 sq.ft			

**The applicant wants to construct a new single family home.**

**He is seeking approval for the above FAR variance**

**He will apply for the other variances to the Planning Board.**

**Mr, Kassis** recused himself,,,,,,,,.

**Mr. Mondello Esq.** asked Mr. Capizzi to enter his appearance into the record.

**Mr. Capizzi Esq.** (11 Hillside Ave., Tenafly) introduced himself on behalf of Mr. Finetto.

**Mr. Mondello Esq.** said Mr. Capizzi, by way of administrative issues. I seem to be at a loss with respect to publication and the record, notice to residents within 200' of the application...



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*Ms. Furio explained that new construction is heard by the planning board, but if an FAR variance is required, the FAR must first be approved by the Zoning Board.*

**Mr. Capizzi Esq.** said my originals were provided some time ago.

**Mr. Capizzi Esq.** said this application is for a new single family house at 159 Magnolia. An application, in Cresskill, if it requires variances would be before the Planning Board, that's how they handle things administratively. Here, for new single family development, it's a bit of an oddity, but none the less that's how it's handled. The reason why we're before you this evening for a single family house is because the application requires an FAR variance. The guidance I was provided by the municipality was to come before this board tonight for the FAR variance, and then, should this application be approved, then to proceed to the Planning Board for site plan approval, and the balance of the Bulk variances to be considered.

**Mr. Mondello Esq.** said I've never seen a Planning Board have jurisdiction over a single family residence before. The Land Use law doesn't provide for it.

*Joking and laughter between Mr. Mondello and Mr. Capizzi*

**Mr. Capizzi Esq.** said this is a difficult piece of property. It's an under-sized lot, it's only 5000 sq.ft., it has only 50' of frontage where we would require 100' frontage, and 10,000 sq.ft of area. It's also a corner lot, and also has a sharp change in topography. The reason why I highlight these issues is that the existing house that was built on this property, in roughly the 1920's, is non-conforming in several respects. The Front Yards are non-conforming, and there are other aspects of the existing development which are non-conforming, which Mr. Blake and Mr. Vince will touch upon. We're proposing to develop this site with a new single family house, clearly slightly larger than what exists today, but trying to respect the existing set-backs that exist on site today. By virtue again, the undersized nature of the lot, it's really impossible for us to build any kind of new development there that would not require a FAR variance, which is why we are before the board this evening. As I mentioned, we have 2 witnesses: our architect Chris Blake and our engineer Joseph Vince. I've asked Mr. Blake to start first so he can familiarize the board with the proposed development.

**Mr. Chris Blake** (Architect, 24 New Bridge Rd., Bergenfield, NJ 07621) was sworn in.

**Mr. Capizzi Esq.** said Mr. Blake could you please familiarize the Board about the existing development that exists on site.

**Mr. Blake** testified that the property was an older house, built in the 1920's or 1930's. One and a half stories with a big porch on the front. It's kind of sitting in the middle of the property.

**Mr. Capizzi Esq.** asked is there a garage on this existing house?

**Mr. Blake** said no, there is no garage.

**Mr. Capizzi Esq.** said how about retaining walls around the property?

**Mr. Blake** said there is a retaining wall in the front, it turns the corner

*Mr. Blake described the location of the retaining wall. the proposed development*

*Mr. Blake described the proposed development : a raised garage, walkout basement on 8<sup>th</sup> street, the garage is on the basement level, the basement includes a recreation room, laundry room, mud-room, as well as a small bedroom and bathroom. On the first level we have our kitchen and living area. We have a powder room..... Living Space of the house....On the 2<sup>nd</sup> floor are 3 bedrooms and a bathroom..... The house is 25' wide.....*

**Mr. Capizzi Esq.** said 25' wide. How would you describe it. I know you mentioned that it is narrow.

**Mr. Blake** said about as narrow as you can make a house these days.....we are leveraging a big open floor plan on the 1<sup>st</sup> floor... *Mr. Blake described how the plan was designed to minimize the floor space . we have some peculiar shaped bedrooms on the 3<sup>rd</sup> floor. On the 2<sup>nd</sup> floor , because of the nature of the 25' wide house, becomes difficult....to have nice square rooms.*

**Mr. Capizzi Esq.** said could you describe some of the sizes of the bedrooms on the 2<sup>nd</sup> floor.

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**Mr. Blake** said none of them are square, so its hard to describe the sizes....one is like an L-shaped room, the other one is definitely an L-shaped room, 13' by 16' but there is a 7' by 6' bathroom kind of cut out of it. The Master bedroom is 14' by the width of the house

*Mr. Blake described the elevations. Colors from different materials will be used to break-up the front elevations so the house will not look like a big barn, Its not a big house and yet again its not a big barn either. One side is relatively plain but its relatively unseen. The 2 sides that face the curb are a little more interesting with the volumes and shapes and materials and things like that.*

**Mr. Capizzi Esq.** said the bottom elevation on the bottom right of the page, we have the *atria* elevation, is that correct ?

**Mr. Blake** said right, the *atria* elevation , you kind of see the drugstore and things like that and things like that to a lower level.

**Mr. Capizzi Esq.** said now looking at that *atria* level elevation, looks like there are various gyrations in the front and on the sides...

**Mr. Blake** said yeah, specifically by the colors. The brown there color is specifically.....to give it some definition and some.... so its not a big long box.

**Mr. Capizzi Esq.** said and the elevation on the bottom left will face on Magnolia.

**Mr. Blake** said yes, the bottom left is facing Magnolia. So that's kind of a typical colonial looking house, if you will. With the nearness of the house being 25' wide and restriction thereof.

**Mr. Capizzi Esq.** said as far as the width of the house, is it similar to what is existing in the field today ?

**Mr. Blake** said its very similar to what there is today. Right now, the current house has a wrap-around porch. So the original house is probably narrower than the 25', but it does have a covered porch that kind of extends out the 25', that we are kind of mimicking.

**Mr. Capizzi Esq.** said thank-you.

**Ms. Furio** asked the front which is Magnolia- you have a chimney on that.

**Mr. Blake** said right.

**Ms. Batistic** said I have a question. You said modest a couple of times. The master bedroom is 14' 6" by 25' and the closet is 8' 2" by 11' 10". That's modest ? To me that's a huge space.

**Mr. Blake** said .... Not so modest. Anyway it's a function of the property. We chose not to put 4 bedrooms up there and not have 4 smaller bedrooms. So one larger bedroom and the other 2 bedrooms. From that point out everything is modest. From the living area on the first floor. Its not small either but again its kind of the open floor plan and its kind of concessional not having 4 bedrooms and 2 bathrooms upstairs and a laundry room and all those little kind of things we kind of conceded having for more bedroom space...

**Ms. Batistic** said thank-you.

**Ms. Furio** asked the width of the current house, is what ?..... The width from edge to edge including porch. Is 25' ?

**Mr. Blake** said its close .... Less side-yard...from Magnolia but the land and the 8th Street side are identical to where the porch is now.

**Ms. Furio** said OK. So the line on the 8<sup>th</sup> Street side is identical to where the porch is now.

**Mr. Blake** said ...

**Ms. Furio** said and the line on the west side is gaining 2', you said ?

**Mr. Blake** said it may be closer to 3'. I don't have the ..... only the summary.

**Ms. Furio** said OK, so 3.19. Getting a little wider on one side with going straight back on the other. How much addition are you putting on the back ?

**Mr. Blake** said If I remember back I would suffice to say its more than 12'- I don't know if its 14' or 15' or 13',... but its more than 12'.....We are putting the garage in the back. We have a corner property and I think the

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engineer will more detail but we have a corner property where the driveway can't really go into one corner, so we're pushed back there to put the garage there.

**Ms. Furio** said the extension is basically to accommodate the two car garage

**Mr. Blake** said the driveway...exactly, that was one thing we thought was important in today's society and today's housing.....two car garage....deck on part of the garage, so we expected a 3 yard set-back was possible....

**Ms. Furio** said correct me if I'm wrong, it seems as though the two car garage is sort of like stuck on the end of what the existing home is, and then the home becomes the home, and then the garage is what's driving that addition on the back.

**Mr. Blake** said very true.

**Ms. Furio** said the Macadam drive that's there now as opposed to the new Macadam drive which will be off 8<sup>th</sup> St. how much of a difference is that going to cost. Taking all that down to get back to the one car detached garage....taking all that down and putting it over here...*Impervious to get bigger.*

**Mr. Blake** said the gain as far as Impervious Coverage, the engineer will have more actual numbers than I do, but as far as the Impervious Coverage of the existing driveway and the detached garage and the 80' length of the driveway.....the fact we are 2 cars wide, the functionality of 2 cars getting in and out , the two car garage, two parking spaces in front... car parking arrangement altogether.

**Mr. Capizzi Esq.** said given the constraints on the property we are only 70 sq.ft above what's allowed on the Impervious Coverage.

**Ms. Furio** said 70 sq.ft. ?

**Mr. Capizzi Esq.** said correct. A portion of that is the double wide driveway needed to access the two car garage.

**Ms. Furio** asked what about the retaining wall that is there now, what are you going to do with that ?

**Mr. Blanos** said the engineer will know about, but I think the intention is to let's leave it.

**Ms. Furio** asked where does the big jump in the FAR come from ? From fitting the garage off the back, and then that whole extra piece that's on the end.

**Mr. Blake** said correct. And filling in the porch, if you will. We are keeping the footprint the way it is but right now the covered porch was enough to generate a FAR.....

**Mr. Corona** said is there a consideration to scale back on the size of the garage so that you could comply more with the FAR ?

**Mr. Blake** said yes. We looked at the site ...how big do you go and how small do you go. Obviously we could go as small as what would be compliant. What would be compliant would be a 10' wide house and that would be extremely restrictive. The size of the garage *determined by the 25' wide house setting up most of the garage* *The 21' is wide but not oversized by any means...*

**Ms. Furio** said, for the record, had you stepped the garage on the end of what was existing, was there any consideration to moving it back a little bit which would have reduced some of the width of the closet master bedroom, master bathroom, on the 2<sup>nd</sup> floor ? ....

**Mr. Blake** said *referred to the engineer.....the driveway has to be 50' away from the curbs.*

**Ms. Furio** said from the bend they have to be 50'.

**Mr. Blake** said so that kind of set up for the driveway, that's where the garage lands. Not enough for the driveway to come and meander around.....So we're really just about there. We could move it 6' forward.....

**Ms. Furio** said so from the curb you have to be 50', and you are 56' currently ? You're driveway edge is 56' from the corner and the requirement is 50' and the engineer will attend to that.

**Mr. Blake** said correct.

**Ms. Furio** said so there is really no place to go except down by 6'. Which would reduce by approximately

**Mr. Blake** said 25 time 6... approximately 350..

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**Ms. Furio** said and that would change the FAR by ?

**Mr. Blake** said by 300 sq.ft

**Ms. Furio** said so the percentage would not change all that much

**Mr. Capizzi Esq.** said it would have a dramatic affect- the lot is so small- it would have a dramatic affect on the FAR, but it also would have a dramatic effect on the utility of the house. You can't make an adjustment like that and probably wouldn't want to do the project.

**Ms. Schultz-Rummel** said how severe would that be if it wasn't 6' but was 3'. You have to be 50' from the curb with the driveway. Right ? You're saying you're currently 56'. What happens if you drop it to 53'.

**Mr. Blake** said 3' by 25' is 75 sq.ft on the 1<sup>st</sup> floor and 75 sq.ft' on the 2<sup>nd</sup> floor is 150 sq.ft altogether

*Mr. Blake did the calculation*

**Mr. Blake** said 1% on the FAR.

**Ms. Furio** asked are there any questions for Mr. Blake ?

**Mr. Vince** (engineer) Schwanewede/Hals Engineering, 9 Post Road, Suite M11, Oakland, NJ 07436-1611 was sworn in and gave his credentials.

**Mr. Capizzi Esq.** said Mr. Vince you heard the conversation regarding the driveway location, the garage location, could you tell us what drove the driveway / garage to be located in that area.

**Mr. Vince** said it is required and is also good engineering practice to locate a driveway a minimum of 50' from any street intersection. The state for safety reasons both the cars entering and exiting the driveway as well as the public traveling along the street. Currently there is a driveway along Magnolia Ave. and its less than 50' because the lot is only 50' wide. With the right of way, its about 49' to the edge of the driveway from the intersection. There is currently no garage on the property so the cars are a single file driveway, tandem driveway. The cars at the back, in and out more often. So that the cars are parked 2<sup>nd</sup> one in , somebody blocking it- the cars would have to come in and out. So the proposed design, we decided that we would locate the driveway on 8<sup>th</sup> Street. So the proposed driveway is more than 50' from the intersection, approximately 65' from the intersection, as was specified by the architect. We took existing the building and more or less added the garage on the end of the building. One of the reasons we located the garage at the end of the building is because of the topography of 8<sup>th</sup> St.- its going up hill as you are going up 8<sup>th</sup> St. The topography, the lot, the currently retaining wall surrounding the lot and its slopping upwards. The left from 8<sup>th</sup> St. and as 8<sup>th</sup> St rises, the house has to sit on top of the wall of higher elevation than 8<sup>th</sup> St. So this 8<sup>th</sup> St is upward as you go further away from Magnolia to the north. If the driveway is further away from Magnolia, it would be closer to the lower level of the house. So we took advantage of the natural rise of 8th street, and located it in that location. So that we did not have to make the basement any deeper or take extra dirt away from the property. We kind of used the natural rise to our advantage. It also allows the rest of the house to be more visible along the 8<sup>th</sup> St. elevation.

**Ms. Furio** asked you said the edge of the driveway is 65' from the curb, which edge, the leading edge, the south edge or the north edge ?

**Mr. Vince** said the south edge.

**Ms. Furio** said so the south edge is 55' from the curb.

**Mr. Vince** said that's correct.

**Ms. Furio** said the requirement for safety reasons etc. needs to be at least 50'.

**Mr. Vince** said that's correct.

**Ms. Furio** said so we have approximately 15' to play with. So you said you put the driveway where it was, was that based on the topography ? Or was it based on the fact that you wanted the extra space, and the house was there, and you were going to stick the garage on the end ?

**Mr. Vince** said No. Based on the topography. I can demonstrate that better thru the elevation. (*displayed picture of the house*) If you see the elevation, this is looking at 8<sup>th</sup> St. The street is sloping upwards, like this,

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after this, further down the 1<sup>st</sup> floor is kind of set because there is a wall around the existing property, so there is not that much flexibility where the first floor could be located. So since the street is going upward like the ...of scale here, the further we go away from Magnolia, the left of the house will be exposed. So what we tried to do is minimize the exposed amount from 8<sup>th</sup> St. and use the higher elevation of where the driveway came in to our advantage. It would also reduce the amount of soil that would have to be exported from the site and some other things like that.

**Ms. Furio** asked how much of the over-hang or the deck area off the back – how wide is that ?

**Mr. Vince** said I just can't scale it up here.....6'.

**Ms. Furio** said that's still 6' ?

**Mr. Vince** said 6'

**Ms. Furio** said there's 6' extra off the back.

**Mr. Vince** said keep in mind that the garage in the ....was not counted in the FAR.

**Mr. Capizzi Esq.** said so the retaining wall along Magnolia is going to stay, Mr. Vince ?

**Mr. Vince** said its supposed to be rebuilt. Its actually, at this point in the project, a wall is going to be constructed. The wall will rotate to the existing driveway till it meets the neighbor's wall and ties into our wall. A good portion of the wall is along 8<sup>th</sup> St. I would say the majority of the house frontage is supposed to be removed. We're going to grade this land so the remaining portion, a quarter of the intersection is going to remain and I did speak with the owner and his intention is to rebuild it. Its going to be reconstructed.

**Ms. Furio** asked any questions for Mr. Vince.

**Ms. Westerfeld** you won't build anything over the garage anyway because the deck is there. Is that correct ?

**Mr. Vince** said that's correct . As you can see on the elevation...that's what it looks like. Although it appears on plan view, the house is actually much smaller than it appears on the engineering plan. This one here, that represents the existing ground. So there will be a wall along the driveway and the deck is just slightly above the grade and that is just simply so we can make efficient use of the roof barrier we need to provide. We are trying to be sensitive with not making projections into the rear yard. We will be approximately 30' above the grade so - the height of the table.

**Ms. Westerfeld** said so you are not building directly a 2<sup>nd</sup> and 3<sup>rd</sup> floor over the whole garage.

**Mr. Vince** said that's correct.

**Mr. Capizzi Esq.** said and the majority of the portion of the new development does comply with the rear yard set-back with the exception of that projection for the garage

**Mr. Vince** said that's right. The smaller portion of the house does comply with the rear-yard set-back .

**Mr. Capizzi Esq.** said when you look at the Magnolia elevation the set-back what you see today is similar to what we are proposing there along 8<sup>th</sup>, and then Magnolia set-back is actually slightly improved.

**Mr. Capizzi Esq.** said Mr. Vince, the set-back along Magnolia is being improved. Correct ? We're increasing the set-back?

**Mr. Vince** said yes, its being increased from 17' to 20'....

**Mr. Capizzi Esq.** said we have talked about the Impervious Coverage over roughly, I believe it was 70 or so sq.ft. Is that attributable to the driveway to service a two car garage ?

**Mr. Vince** said yes.

**Mr. Capizzi Esq.** said how are we handling the drainage for the site ?

**Mr. Vince** said there will be a seepage pit to store the roof run-off. So the run-off from the site will be the ..... project.

**Ms. Westerfeld** said I understand that the garage doesn't affect the FAR. How have that you are building above the garage, is there a way to scale back that- which includes the master bedroom, and the closet, and the bathroom, how much are you going to save on that ?

**Mr. Vince** said there is a... anything is possible.

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**Ms Furio** said I will ask this question again. I know that you put the garage in the most optimum space, based on the topography of 8<sup>th</sup> St., rising up. What is the first spot that you could put it ? Because the 15' is a lot. The number is big. We understand the lot is minim's and it can't really do a whole lot with it, and based on the topography...

**Mr. Capizzi Esq.** said we're about 500 sq.ft over. So if I take 150 sq.ft. out over, then I'm diminishing the over-all excess by about 15% to 20%, if we removed 3' out of the building.

**Ms. Schultz-Rummel** said 3' down when it was 6', now its 15'.

**Mr. Capizzi Esq.** said the building itself is about 50' long. You have to take into consideration, you are 20' from the road to the face of Magnolia plus about 45' that's how we get to 60'. The building itself is only 45' long, 20' of which concerns the garage. So we have 45 less 20, 25' of living space.

*A lot of commentary from the board.* There is nothing out of the ordinary with regard to this scenario. Garages always go onto the tail-end of the house, and there is physically always a two story element, if you have a garage under above that. We understand there are short-comings on this piece of property and that some adjustments maybe warranted here, but the overall living space, based on what we are proposing is 2400 sq.ft.

**Mr. Corona** said you've got a 50 by 100 lot. I understand the restriction, its been in front of us before, but just for density's sake, if you took that garage and slide it forward so it fit directly underneath the house, you didn't have that little deck, how much would that effect take us closer to where we need to be...

**Mr. Vince** asked maintaining the 1<sup>st</sup> and 2<sup>nd</sup> stories ?

**Mr. Corona** said 1<sup>st</sup> and 2<sup>nd</sup> stories don't fit the effect...

**Mr. Vince** said ...I think moving the garage would do nothing. Because the lower level is considered a basement. So none of it is considered FAR. So if we slide this garage down it would do nothing at all except eliminate the deck which is the recreation space.

*Commentary from the board*

**Mr. Capizzi Esq.** said its still visual bulk. If the board wanted to have that adjustment, its still a reduction. Whether its counted or not, we are concerned with over-all visual bulk. I agree, Mr. Vince, there is some benefit from a aesthetic standpoint in shifting that inward.

**Ms. Furio** said I have a question. The FAR as refers to basement or cellar, we've been back and forth with this 100 times, basement or cellar. The FAR is based on how much of the basement is covered. So if its an open walk-out, its considered part of the FAR. If it's a basement and you've got a little window well or you have to dig a well for a larger window for egress, that's a different story. But you have a whole side that's exposed as a walk-out so although lovely, it looks like 3 floors. That part needs to be considered because it is exposed, and you see the whole foundation and you are walking right into it. If it were below grade then it wouldn't be considered .....

**Mr. Capizzi Esq.** said so I can appreciate that. The alternatives to address that concern, is to eliminate the garage, complete the retaining wall along 8<sup>th</sup> St. and just not have a garage.

**Mr. Corona** said that's not the same affair.

**Mr. Capizzi Esq.** said but I've just resolved the issue with visual bulk.

**Ms. Furio** said we're not concerned with...

**Mr. Capizzi Esq.** said We can't address both concerns. Are we talking about numbers or are you talking about visual.... Are we trying to squeeze the number to where it needs to be, or we concerned with the visual mass of the house. We can accomplish resolving the visual mass of the house by carrying the retaining wall through 8<sup>th</sup> St. and eliminating the garage. We don't think that's a better plan because it would be nice to have a 2 car garage....

**Ms. Furio** said my opinion and the board will have their own. The visual bulk is not egregious but the number of the FAR, I get it from a sliding scale and you have 39% and you are really asking for 10. But on the whole length of the property, what did you say the house was 50' ?

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**Mr. Capizzi Esq.** said 48'

**Ms. Furio** said for 48' is there anyway to reduce the 10% variance that you are looking for, by doing something. By sliding the garage back and cutting the back-end down a little bit, because from the original house, you are adding the garage and then building over the garage ? If you slide the garage back and then slide the rest of it back to accommodate keeping the line that you have- just go this way.

**Mr. Capizzi Esq.** asked the board to give him a little further guidance so that he can take a brief recess..... and see what we can accomplish.

**Ms. Furio** said OK. Does anyone else have any comments or questions ?

**Ms. Batisite** said I just have one question. I know we are not talking about height, we are only here for the FAR, but on your plan, Mr. Vince, you put Ridge Elevation 140.7. Is that correct ? Because for the height calculation, and then when you did the actual calculation you put 136.4, so all the way above the sidewalk- is that a typo ? Because if I take ridge of 440.7 and take the average height I get 31.6' as the height.

**Mr. Vince** said let me check when we take the recess but I intend to have it comply.

**Ms Furio** asked if the board had any other questions.

**Ms. Furio** said that the board will continue with the next application

*The applicants left the hearing to discuss the application at 9:15pm.*

*The hearing for the application (1343) re-convened at 9:29pm.*

**Mr. Capizzi Esq.** said so we took a break to talk about how we could potentially modify the plans. We still have to file an application for the Planning Board. Another application, another notice, another 9 members to review and comment on the application, possibly ask for some adjustments. Because of that, what we are proposing here, is just to take 3.6% out of the house and we'll figure out how we're going to do that before we modify our plans and go before the Planning Board. Because, I don't know what the Planning Board may ask me as far as modifications there. So I really don't want to play with the house too many times, before ultimately, if things come together we get an approval. So I hope the Board will appreciate the position that we are in. I know it's a little unique, coming from both sides of the aisles. Principally when I presented an application before this Board, we talk about the application in its entirety, we talk about the plan that will ultimately be approved. We go before the Zoning officer to get a Zoning permit and ultimately a Construction permit. Unfortunately, because the way the Borough handles these types of applications, I can't achieve that, and neither can the Board, as much as we both like to do that. So, that's why we are here only for the FAR. There was an expectation on both of our ends that we wouldn't really complete the application tonight in total, since we still have to go before the Planning Board. So, I hope that compromise is adequate for the board.

**Ms. Furio** asked what is the proposed FAR.

**Mr. Capizzi Esq.** said it would come down to 46%. We are at 49.6, it would come down to 46%.

**Ms. Furio** asked did you take into consideration the basement / cellar issue ? I know the garage is not included but the livable space that's in the basement which faces out onto 8<sup>th</sup> which is in the whole foundation, its in view, except for a like a little corner, but the whole foundation is in view. I'm concerned because on the other side the basement on this side is cellar, so does it get counted, does it not get counted ?

**Mr. Capizzi Esq** said we don't believe its counted, and that will be something that Mr. Azzolina will review when we get before the planning board. We will have a full complete engineering review of completeness .... If it happens to turn out that we missed calculated, we either have to make a further modification to the plans to stay within the 46, or we'll have to come back before this Board. But its our intention to not have to return back before this Board.

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**Ms. Furio** said whatever you are going to do, however you are going to manage it, you will come down to 46 which is 7% over the sliding scale currently

**Mr. Capizzi Esq** said correct

**Ms. Furio** said that's what it gives you. So, if we say OK with this, and the basement / cellar issue throws more livable floor area into the mix, lets just pretend, what would the livable floor area in the 1<sup>st</sup> floor or the garage level add if it were added to the total mass. Do you know what that number is ? ....

**Mr. Capizzi Esq** said I don't think you would include all. It wouldn't be a portion of the basement, it would be the entirety .

**Ms. Furio** said right. So we have to determine whether or not that cellar / basement .

**Mr. Capizzi Esq** said minus the garage

**Mr. Vince** said the answer is 830 sq.ft.

**Ms. Furio** said 830 sq.ft. and if you added that in what would that do to the FAR currently without changing the numbers ? So right now you have 49.6 and your adding that in, what would that number become ?

**Ms. Batistic** said 56.2% .

**Mr. Vince** said that's not our application

**Ms. Furio** said I just wanted to know what the number was. My concern is: if its deemed cellar it gets added, if its deemed basement you are good. But I don't know which way its going to go.

**Mr. Blake** said it's the other way around...

**Ms, Furio** said yes, I'm sorry.

**Mr. Blake** said I've already had this discussion with the Zoning officer that's when we got our letter of denial for 2480.

**Ms. Furio** said so they are allowing it to be called cellar .

**Mr. Blake** said be called cellar, because more than half of the lowest level is below grade. Because the other 3 grades are higher with the retaining wall and everything else.....*description of grades.....the 8<sup>th</sup> St. side is higher...part of it is walk out ...the side door and the garage itself.*

**Ms. Furio** asked so who said it was OK ?

**Mr. Blake** said Bob Rusch.

**Ms. Furio** said so you are going to reduce, however you are going to reduce it, down to 46%, which is only 7% over the FAR.

**Mr. Blake** said correct.

**Ms Furio** said then when you move forward, whatever you have to do, you are going to keep it at 46%.

**Mr. Capizzi Esq** said that's right.

**Ms. Furio** said members of the Board questions or comments ?

**Ms. Batistic** asked did you check the height ?

**Mr. Vince** said yes, and it complies. The 36.4 is correct. Where it says ridge elevation that is just a typo on the plan and you can confirm it too with- its confirmed on the architectural . Based on the finished floor and this is labeled 136-4. The map is 136-4, so somebody in my office just missed a number.

**Ms. Batistic** said thank-you.

**Ms. Furio** said so the ridge height is in compliance.

**Ms. Furio** asked anyone in the audience is for or against this application as presented ?

**Ms Ruth Carmichael** said that I live on 9<sup>th</sup> St. and I have lived there for 40 years. I think this will be an asset to the town to let him build a house like that. Its been a long time since another house has been there, and I knew the person that lived there but it wasn't being taken care of like this house is going to be beautiful. And it will be an asset to everyone in the town. Its really beautiful for what. I mean for what is there now, you know. He's going to do a beautiful job and I think it will be great for everyone around. I mean, they let this huge house come up on 10<sup>th</sup> St. I don't know how the heck it got there but its huge, and they also have one, you



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know, on my street, on 9<sup>th</sup> St. its huge. I look at these houses and I'm like how are these houses doing so big in the town on the property that is tiny. And they are building these houses- how are they letting them do that ? You know, I think it will be great to have something else coming round the town and it will be a nice asset to see something else than what's there. Thank-you.

**Ms Furio** said Thank-you.

**Ms. Furio** asked anyone else in the audience ?

**Mr. Stan Lemantrick** said I live on Smith Terrace. I'm for the property. I know what it looks like now and for anybody doing anything with it, its going to be a miracle and the situation that they ask for is going to be difficult but I'm sure its going to look good. And it needs a lot of help. I agree with what my neighbor is saying as well.

**Ms. Furio** said Thank-you.

**Ms. Furio** asked anybody else ?

**Ms. Furio** asked anybody else on the board for or against the application ? Any other questions, comments ?

**Ms. Furio** asked would someone like to make a motion to approve or deny the application with the amendment of the 46% FAR and the Ridge height being in compliance ?

**Mr. McCord** said I make a motion to approve.

**Ms. Furio** asked for a second.

*No one replied*

**Ms Furio** asked extra comments ?

**Mr. Corona** said I am just hesitating about the FAR. I know that you are trying to give us the concession of the 3%, and you have to worry about the other meeting, but it really does look, no matter what, like a 3 story house on that corner. I know that it needs to be improved. I know that you've been trying to fix this thing for a long time. It's a behemoth on a small lot when it comes down to it. Maybe, I would feel better if I knew that the neighbors next door, that were all for it, that the house for this property, were as well improved, that were in excess of the FAR therefore we have some sort of precedent. Its just killing me that its so much over the FAR for a 50' by 100' lot .

**Mr. Capizzi Esq** said I think its important to recognize two things. First off, we are not appreciating property in the landscape which will soften the 8<sup>th</sup> St. elevation. We haven't shown that yet, perhaps we should have done a better job illustrating that. Mr. Finetto isn't in the construction business. This is going to be a residence for him, his wife and his children. So, the intention here is to finish it nicely and to keep it well maintained. Secondly, the neighborhood hasn't really undergone any revitalization- there is no new housing stock, is what I mean to say. Everything there is 1920's, is 1940's. So, I understand what you are saying. We clearly are going to be a larger house compared to that neighborhood, because the neighborhood hasn't redeveloped yet. When new homes on that block when .... begin to seek to redevelop – they are not going to stay with the 1900 sq.ft houses that are there, and really the small lot and the grade here, there has to be some kind of a trade-off. So, on a 5500 you can't have an attached garage. The lots, themselves, are just too narrow to permit an attached garage scenario. So, you either have a long driveway servicing a detached garage or you have what we are proposing here. So, we did take advantage of the fall off on the grade to our degree to something we think is mutually beneficial to the neighborhood and as well as to ourselves. By virtue of being able to provide a garage, keep the cars off the street. So there is a win /win for myself and my neighbors and I wanted to be able to provide that. I think overall, this fall-off, the fact that we have this walk-walk scenario is more of an issue here because it is visible from the street. I've handled other applications in Cresskill where the walkout is typically in the rear and we don't have these questions of about whether the basement area is qualified in the FAR, because we kind of ignored if we don't see it. And I think the fact that we have a corner property here is highlighting an issue that we are dealing with, which is clearly a hardship. So, I don't want to really be paying for sins that I can't afford.

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I took the property and I'm just trying to work with what I have. As I mentioned before, what's the alternative for us, right. So, if you say you know this, then I delete the garage and then you end up with a wall on 8<sup>th</sup> St. which is 5' or 6' high, and no more garage, or a detached garage and a much longer macadam driveway along the westerly side of the property..... I think this is a better plan.

**Mr. Corona** asked are you building on the foundation ?

**Mr. Capizzi Esq** said no.....

**Ms. Furio** said we have a motion to approve and we are looking for a second.

Any other questions or comments ? Concerns ?

**Ms. Furio** made the motion to second to approve.

*Ms. Batistic, Mr. Cleary, Mr. Corona, Ms. Schultz Rummel, voted 'No'.*

*Mr McCord, Ms. Westerfeld, Ms. Furio, voted 'Yes'.*

*Mr Kassiss was recused.*

**The Application was Denied.**

**1344 Eric Wein 74 Magnolia Ave. B 48 L 667**

Description	Required	Existing	Proposed	Variance
<b>Front Yard Set Back</b>	<b>25 ft</b>	<b>25'</b>	<b>24.8'</b>	<b>0.2'</b>
Side Yard Abutting/Lot	15 ft			
Other Side Yard	20 ft			
Combined Side Yards	35 ft			
Rear Yard Set Back	30 ft	28.2'	28.2'	
Max. Livable Fl. Area (FAR)	variable			
Lot Frontage	100'			
Lot Depth	100'			
Bldg. Coverage	20%	20.78%	20.78%	
<b>Impervious Coverage Variable</b>	<b>30%</b>	<b>33.5%</b>	<b>36.01%</b>	<b>6.01%</b>
Height of Bldg	28'			
Lot Area	10,000 sq.ft			
<b>Fence</b>	<b>4' 50% open</b>	<b>4' solid</b>		<b>Not 50% open</b>

**The applicant wants to expand his driveway, add a paver walkway, and construct a non-conforming fence.**

**Ms. Furio** said while they are having their recess, I'll call the next one and then they can come back.

**Mr. Capizzi Esq.** and **Mr. Rousseau Esq.** exchanged greetings.

**Mr. David Rousseau Esq.** introduced himself as attorney for Christina and Eric Wein.

**Mr. Eric Wein (74 Magnolia Ave)** was sworn in.

**Mr. Rousseau** said as Mr. Rusch said in his letter of denial: Mr. Wein is before your board for approval he would like to expand the driveway, add a paver walkway, and construct a non-conforming fence. Those are the variances. You can see the Impervious Coverage is listed there, variance is at 6.01%. The fence is a solid fence

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**1344 (cont.) Eric Wein                      74 Magnolia Ave.                      B 48    L 667**

where 50% open is required. Eric, explain what the McNally plan proposes

**Mr. Wein** said essentially now we have a single wide driveway, we want to make it double wide, and we want to expand our patio slightly. Everything else is pretty much existing in the same size. In terms of fencing we are a corner property. Part of what we are doing is creating a dober fence. We wanted to put a solid fence so they weren't exposed to the street. I don't think we were doing anything outside of height restriction. I think the variance for the fence was that you have to be 50% off and on the corner. We have 2 big dogs and 2 kids.

*Joking and laughter by the applicant and the board*

So I know that the Board has plans from us. Do you have questions with regard to the plan. Its sort of straight forward, and we tried to keep it as minimal as possible to do what they would like to do. But we would take any suggestions from the Board.

**Ms. Furio** asked do you have a single width entry and then it kind of widens up at the top ? So, you'll have a new curb cut to make it a double wide.

**Mr. Wein** said yes, a double wide curb cut.

**Ms. Furio** said and the whole thing is going to be pavers ?

**Mr. Wein** said it would be black top for the driveway, and then pavers where the house starts- which would be like a refuse area and then a paver walkway to the patio at the back.

**Ms Furio** said OK, so it will line up with the edge of the garage, its concrete currently, and you're going to change it into paver and then down the side.

**Mr. Wein** said correct.

*Ms. Florio and Mr Wein discussed the location of the paver walkway to the patio at the back.*

**Ms. Furio** asked do you have the final fence. Its going to be solid from where to where ?

**Mr. Wein** said just along the front side of the house, which goes north along Magnolia. The corner side that faces 5<sup>th</sup> street already is an aluminum open fence.

**Ms. Furio** said the only thing is that you are going to make the front, from driveway to corner, will be solid.

**Mr. Wein** said correct. We were going to do solid on both sides. Does that not work- on either side of the front of the house.

**Ms. Furio** said no, there is an image of what you want it to be. But its just not clear as to where you are going to put it.

**Mr. Wein** said the intention in our minds was to have a solid vinyl on either side of the front of the house that faces Magnolia.

**Mr. Corona** said and the right side so that if you are looking at the house its white fence, white fence.

**Mr. Wein** said exactly.

**Mr. Corona** said would the aluminum that you have now along the sides

**Mr. Wein** said correct. We are not set hard on that if that needed to be adjusted.

**Mr. Corona** said and that vinyl fence here is 6' high.

*There was a discussion among Mr. Wein and Board members concerning the height of the proposed fence. His testimony did not match the plan.*

**Mr. Wein** said that must have been an error. I assumed that it would be the same height as the rest of the fence. Which is currently 4'.

**Ms. Furio** said it needs to be 4' it can't be 6'.

**Mr. Wein** said that's fine, that's fine.

**Mr. Corona** said you basically fitted it at 4' ..... no fence will be higher than 4' around the whole yard.

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**Mr. Wein** said correct.

**Ms. Furio** said the front-yard set-back is 24.8. Where does that happen ? It requires 25, its existing 25, you have 24.8' with a variance of 0.2' . I don't see how you did that. What changed to get it ?

**Mr. Wein** said nothing. I'm not exactly sure why that is.

**Ms. Furio** said you're not moving anything. No set-backs are changing.

**Mr. Wein** said no

**Mr. David Rousseau Esq** asked are you looking at the site plan ?

**Ms. Furio** said I'm looking at .....

**Mr. David Rousseau Esq** said I would just- that was not in the letter of denial- I don't know why it would change.

**Mr. Wein** said I'm not sure. I didn't really add, it would come under... I didn't name it.

**Mr. David Rousseau Esq** said the fencing and everything that we would be changing would be in line with the existing structure. We wouldn't be moving anything forward beyond that.

**Mr. Corona** said it's a clerical error.

**Mr. Kassis** said on the left hand side, where's the location of the fence make connection with the house .

**Mr. Wein** said it will come right off of the front of the house.

**Mr. Kassis** said the plane of the house. It will be back at least 25' from the corner.

**Mr. Wein** said exactly.

**Ms. Florio** said has anyone on the board have anymore questions or comments ?

**Mr. Kassis** said the application includes leaving or we are going to include a 4' vinyl fence on the side ? because it says chain link . If you want to put it in later you will have to get another application.

**Mr. Wein** said all the existing fences will remain. Right now my fences are recessed beyond my structure. So we were going to pull the fences forward to match up closer to the house. That's the only fence that is changing. The other ones are staying existing . We are not changing the fence all the way around the property. It will just be that vinyl solid fence in the front and the aluminum and chain link that already exist.

**Ms. Florio** asked is there anyone in the audience for or against the application as presented ? Any one on the board have any questions or comments ?

**Mr. Kassis** made the motion to approve the application as presented.

**Mr. Corona** seconded.

**The Application was Granted Unanimously .**

**Mr. David Rousseau Esq.** requested an explanation of the procedure to obtain the permit, now that the application was granted.

**Ms. Furio** explained that next month, after the Board has memorialized the application, Mr. Wein can apply for the permit the next day.

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**1345 Salvatore Wanderlingh                      329 Brookside Ave.                      B 106 L 17**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	29.9'	25'	
Side Yard Abutting/Lot	15 ft	24.1'	12.6'	2.4'
Other Side Yard	20 ft	12.6'	11.7'	8.3'
Combined Side Yards	35 ft	36.7'	24.3'	10.7'
Rear Yard Set Back	30 ft	29'	29'	1'
Max. Livable Fl. Area (FAR)	Variable 39.32	17.3%	20.3%	
Lot Frontage	100'	75'		ENC
Lot Depth	100'			
Bldg. Coverage	20%	17.3%	23.3%	3.3%
Impervious Coverage	Variable 32.4%	32.2%	32.4%	
Height of Bldg	28'	17.2'	17.2'	
Lot Area	10,000 sq.ft	7,500 sq.ft		ENC
Driveway	10'		5'	5'

**The applicant proposes an addition**

**Ms. Linda Del Nobile, AIA, (architect)** 299 Park Ave., Parkridge, was sworn in and gave her credentials.

**Ms. Del Nobile, AIA,** testified that the house is located on Brookside. It is a small 1200 sq.ft ranch, it has no garage, it is regressive . What we are proposing to do is add a garage onto the side, and add a small addition in the back, and then do a little bit cosmetics on the outside, and some opening up the walls on the inside.

To review the bulk requirements: we're in the zone district R10. Our lot area is required to be 10,000 sq.ft., we are an undersized lot at 7,500 sq.ft.

Our lot frontage is required to be 100', we're at 75', again undersized.

Our lot depth required is 100', we are at 100'.

Our front set-back requirement is 25', right now we are at 29.9' and we will be at 25' with this proposed addition.

Our side yards, one side is required to be 15' minimum, we are at 12.6' on the actual left side of the property, and when we do the addition, we're actually going to be a little bit lower than that, 11.7' and that's on the opposite side, the right side, the north side of the property.

The total required to be for both side yards is 35', we're at 36.7', and we are going to be at 24.3' with this addition- another variance there.

Rear yard is required to be 30' we're at approximately 29' now and we will be at 29' - again requiring a variance there.

Our Building Coverage 20% is required. we're at 17.3%, and with the addition we are going to be at 23.3%, which is a variance.

Our building height requirement is 28' for 2 ½ stories , we are actually one story at 17.2', and we are not increasing that, we are maintaining the 17.2'.

Our Impervious Coverage 32.4% is the maximum allowed, existing we're at 32.2% , and we are going to go slightly up to 32.4% the maximum.

Our FAR is required to be a maximum of 34.32% , existing is 17.3%, and we are way below that at 20.3%.

Our Driveway set-back is another variance we are requesting. We are required to have 10', and with the property being narrow and adding on the garage, its going to be at 5' off the property line.

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**1345 (cont.) Salvatore Wanderlingh                      329 Brookside Ave.                      B 106 L 17**

Now just to go thru some of the drawings here on- first this is just showing you the first, only floor, main level. We are adding a garage, 12' wide, inside dimension, to the side of the property. That's where our variance is going to be.

In the very back we have a small little mud room laundry which enters into the house.

In the rear there is an existing 3 bedrooms now, 4 bedrooms, I'm sorry.

We are opening up walls, so we are creating an open space. There is really no nice living area in the house.

There is an existing master bedroom in the back, its very narrow and it has a very tiny, little bathroom. So we are proposing here to just align with the back wall go out another 4', just to create a really minimal master bath. So that we have 2 bathrooms in this house and a walk-in closet.

So we are in that block. Some of the front elevation, you can see that we are doing a little shaving up...changing windows- this is the addition. We are moving it a little forward with the 25' set-back,...9' entry way. Again, in the rear, you can see what the addition is. This is the addition, the garage, mud room, laundry addition, and a small little area over here- just the line....just to give more space in the master, Then again on the other side you can see the addition area. \

I have here a Google map, so you can kind of see that this is one of the few houses in the area, that does not have a garage. There is no garage. So we really don't have another alternative as to where to put this garage. We can't put it on the left side of the house, because we only have 12.9 , I think it is, set-back- its not even conforming as it is, 12.6. So we really have no choice but to put it on this side here. It's a single car garage. You can see from the Google map that there are a lot of people, I believe, have put those on. They were probably all built the same with no garages. Many have added 2<sup>nd</sup> floors as well, but mostly all of them do have a garage that they have added. What we are proposing is right in this area where that garage would go. It appears also, when you look at the Google map, both flat and in the perspective, that pretty much all these sites are all under-sized. They all sort of put on the garage, some added a 2<sup>nd</sup> level. Also, quite a few of them, and you can see that on both sides when we talk about the driveway, people have to go out to the side of the driveway. So a lot of them are very close to the property line. So, its less than 10'. So I think that from the side-yard perspective , we really have no other alternative, if we're to add a garage on, which is an asset to the community as well as the home owner.

Again, the rear yard we're just aligning with the existing.

Building Coverage.... the downside, the hardship of this place or why we need this Building Coverage variance is the style of the house. This house is 1200 sq.ft now. With the addition and with the garage we are up to 1700 and change sq.ft. So, its still a very modest sized house and a single car garage. We're over about 247, just under 247 sq.ft on that Building Coverage, bringing it up to the 23.3.

Its very modest, it blends into the neighborhood- what we are planning to do. Nothing of this has any natural impact on the surroundings at all. As a matter of fact, I think that this is something that is welcome. Its not a two story monster. The FAR is well under. So we know that we are appropriately sized for the lot. We are not overpowering . We're not doing something that you would even probably notice from the front at all. Again, just to review, I think we have a hardship because of the lot area, and the lot width. I think its consistent with this whole area with the size of the lot and the piece we are doing , with having to go close to the property line, because there is no other alternative. Again, this is preferable to putting in a two story huge monster on a small lot.

**Ms. Furio** asked anybody on the board have questions or comments ?

**Ms. Westerfeld** said I have a question about the driveway. You're moving the driveway or are you expanding the driveway ?

**Ms. Del Nobile, AIA** said expanding the driveway. Right now, the driveway is actually very close to where the garage is. The garage is slightly a little bit further out but its pretty much here in line with this. We needed a double wide garage, so we are just going to go to the side.

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**1345 (cont.)   Salvatore Wanderlingh                      329 Brookside Ave.                      B 106   L 17**

**Ms. Westerfeld** said and then you are only going to be 5' away

**Ms. Del Nobile, AIA** said the property line.

**Mr. Corona** said but even though you are expanding on the right side, which is the north side of the house, the home next to you is really far out from the property line as compared to the one on the south side of the house.

**Ms. Del Nobile, AIA** said yes, I can see that. As a matter of fact when you looking here, the whole row is shrubs there too'

*Ms. Westerfeld, Mr. Corona and Ms. Del Nobile, AIA discussed the Google photo.*

**Ms. Del Nobile, AIA** said I would say that you would probably end up with just like all these other ones that have put additions on, you'll end up looking very much like these. The same distances. Because, I think all these houses were sort of offset to the side. Everyone is putting their garage on the side that had more property. Which is what we are doing.

**Mr. Corona** said you are still going to have 11.7' on the right side of the house .

**Ms. Del Nobile, AIA** said thats correct.

*Ms. Del Nobile, AIA explained to Ms. Westerfeld that just the driveway would be 5' away from the property line.*

**Ms. Del Nobile, AIA** said and its only in the back yard.

**Ms. Schultz-Rummel** said its 5' because it's a double wide driveway.

**Mr. Corona** said and its not a two story addition.

**Mr. Kassis** asked you are not putting a window or anything..... ?

**Ms. Del Nobile, AIA** said no .....but we could put one on the side.

**Mr. Kassis** said oh great that would really make a .....

*Several Board members and Ms. Del Nobile, AIA discussed the window.*

**Ms. Furio** asked anyone else on the Board have questions or comments ?

**Ms. Furio** asked would anyone like to make a motion to approve or deny the application with the extra window in the garage ?

**Mr. Kassis** said I'll make the motion.

**Mr. Corona** seconded.

**The application was Granted Unanimously .**

**Continued on next page**

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**MEMORIALIZATIONS**

**1340 Ori Birnhack 117 Heatherhill Rd. B 1.03 L 32**

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Front Yard Set Back	25 ft			
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>9.32'</b>	<b>9.32'</b>	<b>5.68'</b>
<b>Other Side Yard</b>	<b>20 ft</b>	<b>10.52'</b>	<b>10'.52</b>	<b>9.48'</b>
<b>Combined Side Yards</b>	<b>35 ft</b>	<b>19.84'</b>	<b>19.84'</b>	<b>15.68'</b>
Rear Yard Set Back	30 ft			
Max. Livable Fl. Area (FAR)	34.86%			
Lot Frontage	100'			
<b>Lot Depth</b>	<b>100'</b>	<b>96.93'</b>		<b>ENC</b>
Bldg. Coverage	20%			
Impervious Coverage	30%			
Height of Bldg	28'			
<b>Lot Area</b>	<b>10,000 sq.ft</b>	<b>7,544 sq.ft</b>		<b>ENC</b>

**The applicant was granted the above variances to construct an addition to the 2<sup>nd</sup> floor,  
With windows added above the garage on the 2<sup>nd</sup> floor.**

**The Side Yards remain as existing.**

**Ms. Furio** motioned to close the meeting

**Ms. Batistic** seconded

**The meeting was adjourned at 10:04 pm**