

**Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 pm
Minutes Oct. 22, 2020**

Present in Person:, Mr. Kassis, Ms. Schultz-Rummel, Mr. Cleary,
Mr. Jack Van Horne (Board Attorney), Ms. Bauer (recording secretary)
Present by ZOOM: Ms. Batistic, Ms. Westerfeld, Ms. Furio, Mr. McCord,
Absent: Mr. Corona

Mr. Kassis chaired the meeting.

The meeting was called to order at 7:31 pm.

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

Mr. Cleary approved the Sept. 24, 2020 minutes

Mr. Morgan seconded

Applications

1366 Yaniv Iluz	37 7 th St.			B 60 L 6
Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	25.2'	25.2'	
Side Yard Abutting/Lot	15 ft	18.4'	18.4'	
Other Side Yard	20 ft			
Combined Side Yards	35 ft	38.2'	38.2'	
Rear Yard Set Back	30 ft	36.5'	36.5'	
Max. Livable Fl. Area (FAR)	30.0%			
Lot Frontage	100 ft	80 ft		
Lot Depth	100 ft	105.54 ft		
Bldg. Coverage %	20%	20.0%		
Impervious Coverage variable	31.9%	30.5%	40.4%	8.5%
Height of Bldg	28'			
Lot Area	10,000 sq.ft	8,482 sq.ft		
Min.Driveway side-yard	10'			

Mr. Iluz is before the ZBOA, he proposes to install an in ground pool.

The application was carried from the last meeting, neither applicant nor his representative attended.

The applicant was notified by phone. He said that the engineer would attend the 10/24/2020 ZBOA meeting.

Mr. Yaniv Iluz attended in person.

Mr. Geoff Egarian, Engineer, attended by ZOOM

Mr. Egarian (on Zoom) was sworn in and gave his credentials.

Mr. Iluz was sworn in.

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1366 Yaniv Iluz (cont.) 37 7th St. B 60 L 6

Mr. Egarian (on Zoom) testified that the property was a single family house at 37 7th St. Block 60 Lot 6. The topography of the house goes from east to west. There is a change in the grade of approximately 10'. There is an existing retaining wall at the rear of the property to maintain the grade in the rear yard. The applicants are asking for a variance in Impervious Coverage: 31.9% is what is required and we are proposing 40.4%. We are in the R-10 zone. There are a few existing lot extremities which present the hardship, especially since 10,000 sq.ft is required, and the area of our lot is 8,482 sq.ft. The other non- conformity is the lot width where 100' is required and 80' is existing. Which is how we arrived at 31.9% of lot coverage. The proposal for the project exists of a 12' by 24' set in-ground swimming pool. A very modest size swimming pool by our swimming pool standards- roughly 288 sq.ft and the proposed patio is approximately 788 sq.ft. The patio is 15' are also the back of the house. Its just enough room for tables, sitting area, and some chaise lounges which are typical. The walkways around the pool are about 4' which is typical for such an installation.....The retaining wall in the rear yard is re-aligned in order to maintain the grade The outer walls are under 4' It conforms to the set-back for the zone. What we do not show on the plan was a...to manage the system. As we are before the board tonight, we will propose a seepage tank in order to maintain the storm water run-off as a result of the increase in impervious coverage. So the aggregate plan for the property incorporates design, which minimizes its effect on adjacent properties, and continues to blend in with the neighborhood. The application can be granted without substantial hardship to public good, and adheres to the intent and purpose of the zone plan and ordinances. Lastly the whole property will be aesthetically distinguished.

I will take questions from the Board.

Mr. Kassis said I'm looking at the proposed swimming pool location and the rear patio which is impervious. On the right side of the pool, you did mention, if I understood your testimony, there is a 4' area along side the pool that appears to be much more than 4'. Did I misunderstand your testimony ?

Mr. Egarian said the patio on the left hand side of the pool is 4', the area on the right hand side of the pool is a little larger but actually 15 which is part of the entrance to the pool which is the shower light.

Mr. Kassis asked in the length from the front to the back, the further most back portion of the patio is what ?

Mr. Egarian asked the patio itself ?

Mr. Kassis said yes.

Mr. Egarian said 31' long, over all unit is just under 35'.

Mr. Kassis said was there any consideration given to possibly reducing the right side of that by 2' or 3' so that you reduce the Impervious Coverage?

Mr. Egarian said I would leave that up to the home owner if that is something that he would like to discuss. I know he has had several discussions with the pool company. He is anxious on getting the pool approved . I suppose he is open to the Board's suggestions, as far as reducing the coverage. He is available- you might want to have that conversation with him about any suggestions the Board has for reducing the coverage.

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1366 Yaniv Iluz (cont.)

37th St.

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Mr. Kassis said for the purpose of discussion, you said that the left side is 4' and the right side was 6'. If you were to remove 2' from the right hand side, by what would that reduce the Impervious Coverage ?

Mr. Egarian *did the calculation* and said 52 sq.ft

Mr. Kassis asked what would the variance be if that were to be decided ?

Mr. Egarian said 39.7%

Mr. Kassis said not a big change.

Mr. Kassis asked any other questions for the Engineer ?

Ms. Batistic said you mentioned that you would put a seepage pit if this was approved.

Mr. Egarian said yes, yes....

Ms. Batistic asked where would the pit go.

Mr. Egarian said we would put it on the lawn. We have room.... probably on the right side yard probably adjacent to the...between the new retaining wall and the old retaining wall floor area.

Ms. Batistic asked will you provide any over-flow for the seepage pit ?

Mr. Egarian said typically the over-flow would back-up to the yard drains.....there would not be any increased volume.

Ms. Batistic said this is for the Vice-Chair. If this is approved, who would look to review that seepage pit design, and if its designed properly ? Would that be the Borough engineer ?

Mr. Kassis said that usually falls on the Borough Engineer's responsibility. If the application is approved it would be subject to his approval.

Mr. Kassis asked are there any other questions for the engineer ?

Mr. Kassis asked any questions for the applicant ?

Mr. Kassis said the point was reiterated by the chairwoman (via ZOOM) about possibly reducing that right side, so that we can bring the Impervious Coverage down. Would that be something that you would be amenable to ? Based on the calculations we just heard from your engineer ?

Mr Iluz said the pool company and the engineer came with the smallest design possible. In the design the pool is extremely small, we chose the smallest pool, and the area next to it is also small. So I mean if that's something we have to do we will deal with it, but that's not what we want. Its very tiny. The house and the yard on the back is not that big house. Its not a big house. If you look at the sizes on the sketch over there. If you reduce it by 2', we basically not gonna have space to put stuff and we just need basic space to put table, chairs and a little fireplace on the right. Basically they just took the pool, they put half a feet on the right, half a feet on the left and went all the way to the house. So, if we are going to reduce it. If that's something you guys want us to do, then we do it, but its not going to be comfortable for us.

Mr. Kassis said any comments regarding that from the board ?

Ms. Batistic (on Zoom) said I don't think that the 2' will definitely reduce the Impervious Coverage. They are providing seepage pits to take care of all the Impervious areas as far as the drainage goes. Its in the back of the lot of the house, and you cannot see it from the front and from the side, from the neighbors. If there is 2' less, on the way it is shown on the plan, I don't think it will make a difference. If it was a significant reduction in Impervious area, I would say yes.....I don't have a problem with the way it is.

Mr. Kassis asked Ms. Furio (on Zoom) if she was about to say something.

Ms. Furio (on Zoom) said I was going to comment about the seepage pits as well. I think it could be reduced a little bit, but to Margita's comment, if the Seepage pits are in the appropriate

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1366 Yaniv Iluz (cont.)

37 7th St.

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spots, and can manage the run-off, then as she said , its in the back of the lot and unseen from the fence. I think ... it will probably be OK, though it's still a little large for my liking.

Mr. Kassis said maybe you are surprised that I can agree with both of you on the width. It would not make a significant difference to the application, but I would like to hear from the other Board members on that.

Ms. Schultz-Rummel said I agree. I don't think it makes a significant difference.

Mr. Kassis said the three Board members, in attendance, are also in agreement.

Mr. Kassis said Gail, for the record, has joined the meeting.

Gail, I know you probably caught the tail end of that. Please un-mute yourself.

Ms. Westerfeld announced she was un-muted.

Mr. Kassis said I don't know if you heard the....

Ms. Westerfeld said I only heard the last 2 words....

Mr. Kassis said then maybe you should abstain....

Mr. Kassis asked is there anyone either on Zoom or in the audience for this application ?

Mr. Kassis asked is there a motion for this application ?

Ms. Batistic made the motion to approve that application.

Ms. Furio seconded.

Mr. Kassis said this would be subject to the approval of the storm water management .

Ms. Batistic said correct.

Results of the vote on the motion :

Present in Person:, Mr. Kassis (yes), Ms. Schultz-Rummel (yes), Mr. Cleary (no),

Present by Zoom: Ms. Batistic (yes), Mr. McCord (yes), Ms. Westerfeld (abstained),

Ms. Furio (yes)

The application was granted

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1367 Matthew Impagliazzo 497 Piermont Ave B 68 L 19

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	40 ft		21.1' (irregular)	18.9'
Side Yard Abutting/Lot	15 ft		15'	
Other Side Yard	20 ft		23.5'	
Combined Side Yards	35 ft		38.5'	
Rear Yard Set Back	50 ft	45'	180'	
Max. Livable Fl. Area (FAR)	25%		12.7%	
Lot Frontage	100 ft	20.4'	20.4'	ENC
Lot Depth	150 ft		382.73'	
Bldg. Coverage %	15%		8.2%	
Impervious Coverage variable	30%		27.1%	
Height of Bldg	28'		27.75'	
Lot Area	15,000 sq.ft	53,900 sq.ft		
Min.Driveway side-yard	10'		0	10'

Mr Impagliazzo is before the ZBOA, he proposes to partially reconstruct and alter the home at the above address.

All required documents were submitted.

Mr. Kassis said that the next application tonight is #1367.

Mr. Kassis asked who is on Zoom for this application ?

Mr. Craig Weis, (Attorney for the applicant) said that Mr. Impagliazzo (applicant), Ms. Pantale (architect), and himself were attending on Zoom.

Mr. Kassis said can you all un-mute yourself please.

Mr. Kassis asked Mr. Weis are you going to testify first ?

Mr. Weis said Ms. Pantale will testify.

Ms Stephanie DeCarlio Pantale was sworn in, and gave her credentials.

Mr. Weis said Ms. Pantale will testify on the application before you today just because it is an irregular lot, its pre-existing non-conforming. However the renovation takes us out of that and we obviously now need a variance. Specifically the testimony you are about to hear is that the front entrance is currently on the side of the house, and is being moved to the front of the house and the lot line- there is no other room. We are not changing the foundation. Its really kind of just taking this home which is, for lack of a better term, a little butchered in the way it is set. Ms. Pantale will give you the full presentation. It is based on the irregular lot line, that we have to come here before you tonight.

Ms. Pantale said basically the house is on the bend between Piermont and County Rd- Ms. Pantale referred to the Plot Plan and described the location of the property relative to Piermont Rd., County Rd., and Demarest Park. Basically the house was a split-level which was common in Cresskill. They built a 2 story addition behind it in 2000. They built this huge 2 story addition behind it, and basically what my client wants to do- if you turn to ...the

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side view- the dashed lines from the front of the house are the existing roof lines for the split level. What we need to do.... the 2nd floor of the split level and the addition do not line up in this house. The rear addition has a 10' first floor and the split level has the garage, 9' off the ground but its level, so there is probably about a 3' differential between the split level bedroom and the rear addition bedroom. My client wants all his bedrooms and everything on the second floor, the way a normal house should be. So we are requesting a Front Yard variance...

Mr. Impagliazzo said and we need the waiver on the driveway.

Ms. Pantale said the house is the narrowest in the front- a 20' front yard on County Rd. The house in the front is 21.1 feet off of the front yard, which the Zoning officer said is 21' towards the street and the end of the property and that's what we need the variance for. An existing non-conforming in the front yard, and by pushing the existing non-conforming vertical to build a 2nd floor squared up, we created a variance situation. We are staying within the same foot-print that was there. The existing front porch, we will push it into the house, because we don't want to create more of a variance situation on the side or front. That's what we are basically here for. Is this making any sense to anybody ?

Mr. Kassis and Mr. Van Horne asked is the foot-print remaining the same ?

Ms. Pantale said yes. We might be adding a couple of steps in the front to get down to the ground but that's it, and changing the walkway to get there. But yes everything that's into that area..... The park from Demarest cuts across, so the house is 83' back from County Rd., from Piermont Rd. this point to this point—*Ms Pantale indicated on the plot-plan the corner from the porch to the curb-* is 21'. So I want you to understand we are far back.

Ms. Furio verified the measurements on the Plot-Plan, and asked you are not changing the foot-print, you are just going up ?

Ms Pantale said correct.

Ms. Pantale said its an over acre lot. They have 5 bedrooms, they are keeping 5 bedrooms They have a driveway situation. The driveway is 15' wide on 20' frontage.....they are on a County Road. There is no place to park. There is no place to turn around. —*Ms. Pantale described the difficulties of parking and turning around on the bend of County Rd/ Piermont Rd-* so they want to create a turnaround on the side of the house, so they could park in the front, turn around and come back out if they wanted. They could queue cars there.....*Ms. Pantale described the difficulties of maneuvering cars with the existing driveway....* They need to build a retaining wall along the property line.....*Ms Pantale described the interlocking block wall .*

Mr Weis said I'd like to ask one question . The driveway is currently there, correct ?

Ms. Pantale said this driveway is currently there. We're adding the turnaround to the side that goes around the house.

Mr. Weis said correct. When I spoke to Bob, the waiver addressed that we were up against the lot line at that point...it was pre-existing. Again, it was an existing driveway, we were just expanding it, correct ?

Ms. Pantale said ... on the left side there are also closer than 10', which a lot of driveways in Cresskill are. We need a waiver on the other side as well. There is nobody on that side except for the park, so we are not really affecting anybody.....

Mr. Kassis asked are there any questions from the board for the architect ?

Mr. Kassis (responded to a question) the applicant is not testifying right now. We have the attorney, Craig Weis, and the architect.

Neighbor (on Zoom) asked how high will the wall be ?

Ms. Pantale said less than 4' It will never be higher than 4' .

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Neighbor (on Zoom) said it will go to the end of what would be the turnaround and back ?

Ms. Pantale said yes

Neighbor (on Zoom) said its still rock ?

Ms. Pantale said the wall only covers the driveway.

Mr. Kassis commented its nice to see all the windows on the side here.

Mr. Kassis asked is there anyone else that would like to be heard on the Board.

Mr. Morgan (on Zoom) asked a question which Mr. Kassis repeated.

Mr. Kassis said the question from Mr. Morgan: what is the distance from the existing driveway to the right side where the turn-around is.

Ms. Pantale (indicated on the plot-plan) and said about 100'.

Mr. Kassis said 100' from the existing driveway to the far end of the turn-around.

Ms. Pantale said yes- (indicated on the plot-plan)

Ms. Batistic asked is there any reason why it has to be so long ?

Ms. Pantale said I have to get around the corner of the house. When I called Azzolina's office to see what I need for a radius to turn around, and basically they told me 35' . So I didn't have 35', and so I round out the corners and here's a corner, here's a corner, and that is the widest section that I could get a 35' turnaround.... The Impervious Coverage is still less than 30%, with everything, with patio, with everything they wanted to add, its still 27%, so we are well under.

Mr. Kassis said considering that the length of the driveway from the curb to the existing house is 83'. You are going to be surprised again, but that makes up part of the issue here. It's a long driveway, I can understand the need for that.

Ms. Schultz-Rummel asked what are you doing to address the water table ?

Mr. Kassis said the concern about the water table was raised. Could you, Ms. Pantale, address anything on that regarding the seepage pit or anything along those lines.

Ms. Pantale said I don't do seepage pits. We wanted to see if we could get the driveway laid out before we had everything engineered. Whatever is engineered appropriately, and seepage pits, are not subject to Azzolina's review yet. That's not a problem.

Mr. Kassis said if approved it would be subject to Engineering Review

Ms. Pantale said Engineering Review.

Mr. Kassis asked any other questions. Anyone in the audience here or on Zoom ? Any other questions for this application ?

Ms. Jane Fried (on Zoom) asked to be heard.

Ms. Jane & Richard Fried said their house is directly across County Rd from Demarest Park, at 196 County Rd. Demarest.

Ms. Fried was sworn in.

Ms. Fried said that they had a few questions. Is the property entirely in Cresskill ?

Ms, Pantale said yes.

Ms. Fried said another question.... I understand there was a swimming pool that was never operational because of concerns of wet-lands, what is intended to happen to that ?

Mr. Weiss said I can answer that to the Board. We've already spoken to the DPW. Bob Rusch, everybody is aware of it, the home owner is aware of it. Whatever action is needed to be taken, he's already committed to that, to get this up and running. Whatever issue that was present has been addressed to him . It will be attended to, it was one of the first things that was talked about. So we are aware of it, the home owner is aware of it . The homeowner is committed to having whatever issue is still there, resolved.

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1367 (cont.) Matthew Impagliazzo 497 Piermont Ave B 68 L 19

Ms Fried said another question, what school district is the house in, in Cresskill ? A previous owner or resident had chosen to claim in Demarest, and we were just curious if part of the property was in Demarest, and that was why.

Ms. Pantale (indicated on the plot-plan) said I understand here, this is the borough of Cresskill and Demarest line is right there...

Mr. Kassis said, if I could just interrupt, the questions need to pertain to the application.....

Ms. Pantale said I need to correct my comment. I think this back corner is DemarestSorry about that.

Ms. Fried asked none of the retaining wall on the driveway would be encroaching on the park ?

Ms. Pantale said none. It all has to stay on their property.

Ms. Fried said OK, Thank-you. I think Richard has a question.

Mr. Fried said I am a little confused. The public statement that I received by certified mail, what it states is that the limited variance, the minimum front yard only required....21.1'. I don't understand that statement. Minimum driveway, 10' apart holds fewer feet.

Ms. Pantale asked do you want me to answer that ?

Mr. Fried indicated yes.

Ms Pantale said the existing house- if you are at the front of the house and you actually approach the road, you are approximately 80' from the road, but how the Zoning officers calculate the front yard- we have this pizza pie, this straight line, that starts narrow, cuts across the front of the house. So because of how the side-yard.....cuts across the front of the house, Bob said that the corner of the house to where it goes down vertically was the roadproperty line that is the front yard....for this plan. Nothing is changing, the front-yard is exactly where it is, the house is staying exactly where it is. We're just...aesthetically, so the 2nd floors were all aligned.

Mr. Fried said I understand, but the front-yard, I don't get it.... The front-yard is diminishing in size.

Ms. Pantale said its not diminishing in size. Nothing is changing. Its how Cresskill is calculating front-yards on irregular lots.

Mr. Kassis said it's a technical way of presenting the application in a legal sense. So that's why its required to appear there. But the applicant is not changing the foot-print in any way. So while those numbers are listed there, if you've sat thru these before, you'll know that very often times the house is already improperly placed on the property from many years ago; will have to get a variance just because they are looking to do something different to the lot.

Mr. Fried said this question is just informational, but since the property is bordering Demarest Park, shouldn't Demarest be notified and be participating in this activity ?

Mr. Weiss said they were notified.

Mr. Fried said and they chose not to show up .

Mr. Weiss said the list was notified, the 200' list, I personally spoke with Demarest, they delivered me the 200' list. Everybody within 200' in Demarest was notified by mail. So there was notification, and I can tell you that I personally spoke with Demarest when I went over there to get information. So they are aware of this.

Mr. and Mrs. Fried thanked the Board.

Mr. Kassis asked are there any other questions ? None noticed.

Make the request for a motion from one of our Board members on this.

Ms. Batistic said I make a motion to approve. In my opinion, there is no Front Yard down here. Because the Front Yard is measured to the street right of way, and to me this is not a Front Yard.

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But, if the Zoning Officer feels it, so be it. Therefore I move to approve the application
Mr. Kassis asked as is ?

Ms. Batistic said as is- with the retaining wall and the review of the borough engineer.

Ms. Furio seconded.

Results of the vote on the motion :

Present in Person:, Mr. Kassis (yes), Ms. Schultz-Rummel (no), Mr. Cleary (yes),

Present by Zoom: Ms. Batistic (yes), Ms. Westerfeld (yes), Mr. McCord (yes),

Ms. Furio (yes)

The application was granted.

1368 John Morgan 122 Truman Drive B 91.09 L 5

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	50 ft	54.83'	No change	
Side Yard Abutting/Lot	30 ft	34.75'	No change	
Other Side Yard		30'	No change	
Combined Side Yards	60 ft	64.75'	No change	
Rear Yard Set Back	75 ft	92'	No change	
Max. Livable Fl. Area (FAR)	20%	17.7%	No change	
Lot Frontage	150 ft	178.62'		
Lot Depth	200 ft	224.22'		
Bldg. Coverage %	12.50%	15.26%	17.1%	4.6%
Impervious Coverage variable	35%	38.60%	40%	5%
Height of Bldg	33'	27.75'	No change	
Lot Area	40,000 sq.ft	40,050 sq.ft		
Max. Accessory Structure Area	600 sq.ft	62 sq.ft	720 sq.ft	120 sq.ft
Height of Garage	15'		15'	

Mr Morgan is before the ZBOA, he proposes to construct a detached 2-car garage.

Mr. Kassis said the next application is:

1368 John Morgan, 122 Truman Drive , B 91.09 L 5

Mr. Morgan was sworn in.

Mr. Kassis announced to the members on Zoom that Mr. Morgan had been sworn in.

Mr. Kassis said he would repeat everything for the Board members on Zoom.

Mr. Morgan testified that we are proposing to build a detached garage adjacent to my house .

Mr. Kassis repeated for Zoom members.

Mr. Morgan said I have the architect here, who will explain everything in detail.

Mr. Daniel D'Agostino was sworn in and gave his qualifications.

