

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 7:30 pm  
Minutes Jan. 27, 2022**

**Present in Person:**, Mr. Kassis, Ms. Batistic , Mr. Cleary, Mr. Corona, Mr. McCord,  
Ms. Westerfeld, Jack Van Horne (Board Attorney),  
Ms. Bauer (recording secretary)

**Absent :**

**Mr. Kassis** called the meeting to order at 7:30 pm

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

The Dec. minutes were approved by Mr. Cleary and seconded by Mr. McCord

**Mr. Kassis** introduced the application.

**Applications**

**1386 Rotem & Yael Lavon      70 Heather Hill Rd      B 1.05 L 12**

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Front Yard Set Back (Heatherhill)	25'	29.6'	27.6'	
Front Yard Set Back (Carleton)	25'	25.5'	25.5'	
<b>Side Yard Abutting/Lot</b>	<b>15'</b>	<b>10.2'</b>	<b>10.2'</b>	<b>4.8'</b>
Other Side Yard	20'	na	25.5'	
Combined Side Yards	35'	na	35.7'	
Min. Rear Yard	30'	32.26'	30.18'	
<b>FAR</b>	<b>34.32%</b> <b>(2544SF)</b>	<b>14.08%</b> <b>(1044 SF)</b>	<b>39.22%</b> <b>(2908 SF)</b>	<b>4.9%</b>
<b>Height of Building</b>	<b>2 ½ STY</b> <b>28'</b>	<b>1 STY</b>	<b>2 ½ STY</b> <b>30.5'</b>	<b>2.5'</b>
Lot Frontage	100'	155'	155'	
Lot Depth	100'	100'	100'	
Bldg. Coverage %	20% (1482 SF)	25.62% (1900 SF)	19.77% (1466 SF)	
Impervious Coverage variable	32.4% (2402 SF)	41.99% (3113 SF0)	31.18% (2908 SF)	
Lot Area	10,000 sq.ft	7,414 Sq.ft		<b>enc</b>

**The applicant proposed to add 1 ½ stories and renovate, an existing single-family house. The application was carried from the Dec. 2, 2021 meeting, at the request of the applicant. The attorney representing the applicant was concerned that there were only 5 Board members present at the meeting, which might prove detrimental for approval of a FAR variance.**

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**Mr. Mark D. Maryanski** introduced himself as attorney representing the applicants.

**Mr. Mark D. Maryanski** said this is an application for a proposed addition and renovation for an existing single family home at 70 Heather Hill Rd. The proposal requires variances for Side Yard Set-back, for height and for Floor Area Ratio. I would like to call our architect Chris Blake.

**Mr. Chris Blake** was sworn in.

**Mr. Van Horne** said that Mr. Blake has testified here many times and will be accepted as an expert witness.

**Mr. Mark D. Maryanski** said Mr. Blake by the applicant, you were retained as an architect by the applicant for this application ? In connection with this property, did you visit the property and familiarize yourself with the architectural drawings that were submitted with this application?

**Mr. Blake** said correct.

**Mr. Maryanski** said did you visit the property and familiarize yourself with the surrounding area ?

**Mr. Blake** said yes.

**Mr. Maryanski** asked and you are also familiar with the Zoning ordinances of the Borough of Cresskill as it relates to this property?

**Mr. Blake** said I am.

**Mr. Maryanski** said could you describe for the Board the existing site and what's on the property now.

**Mr. Blake** said the property is on Heather Hill and Carlton Terrace. Its an existing 1 1/2 story Cape Cod kind of house on a property that is 7,414 sq.ft., so it's an under-sized property. Its essentially 75' by 100' and 75' facing Heather Hill. The house currently faces Heather Hill. Its a single family house with a driveway and a patio.

**Mr. Maryanski** said mark the plans that are submitted.

**Mr. Blake** said yes, mark them A.1, 2 and 3, dated Oct. 13

**Mr. Maryanski** said so there are 3 pages of A.1

**Mr Blake** said so it will be A.1 on A.1, 2, 3.

**Mr. Maryanski** said OK. Referring to the plans that have been marked, could you describe to the Board what is being proposed.

**Mr. Blake** said what's being proposed is an addition, renovation. We are keeping essentially the front half of the house. The lower level and the solar level on the 1<sup>st</sup> floor and kind of the back house its re-configured with steps like in a larger house. We are proposing a basement garage, a lower level garage. The property is on a hill. The property goes from Carlton to, as you look on the site plans to the left, it slopes down, so Carlton Terrace is actually the highest point. The property kind of slopes vertically down.....so on the lower side of the property, we are talking about re-locating the driveway from the upper side of the property closer to Carlton.....and having a lower basement garage merging with the typography of the low end of the property. And we are showing the recreation room, the bedroom.....on the basement level. We are proposing on the upper level, on the first floor, we have the living room, dining room, family room, kitchen, bathroom, staircase. On the top floor we have 4 bedrooms on the corners, 3 bathrooms. Its a center hall plan.....The property turned into this squarish kind of house. defined by the property. The total of the 2 floors is 2908 sq.ft.

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**Mr. Maryanski** said you mentioned the existing driveway for the house that's there now, is on the other side of the house that's being proposed. In other words it's right at the corner of Heather Hill Road and Carlton Terrace, that's correct ?

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

**Mr. Maryanski** said and we are moving it to the other side of the house, away from the corner.

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

**Mr. Maryanski** said lets go through the variances that are required with this proposal. Starting with the Side-Yard Set-back, proposed is 10.2' where 15' is required. That is the Easterly side of the house, away from the corner.

**Mr. Blake** said yes

**Mr. Maryanski** said is that an existing set-back ?

**Mr. Blake** said that is. Actually the house has a slight slope, 3'. 10.2 at the closest point, 10.5 in the rear. So we're talking about existing non-conforming Set-back. It looks like an upward direction from the 2<sup>nd</sup> floor, as well as a little bit towards the rear, which again is getting slightly further away.

**Mr. Maryanski** said so we are not proposing to go any closer to the property line than the existing house ?

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

**Mr. Maryanski** said we are just going up.

**Mr. Blake** said maintaining the existing Side-Yards, somehow.

**Mr. Maryanski** said you mentioned that this is a corner lot. How does that impact the Side-Yard set-back ?

**Mr. Blake** said in this case there is required 2 Front-yard set-backs, where as actually there are 2 frontages. Where each is required to be 25', and again the 15' on the other side would even require us to have 40' across the width of this property to be set-backs for the property that is only 75' wide. So its a narrow property to begin with and abiding to the Set-back requirement would be very restrictive.

**Mr. Maryanski** said so if this were not a corner lot, the combined Side-yards would have to be 35'. Correct ?

**Mr. Blake** said that is correct.

**Mr. Maryanski** said so because we have to have an additional Front-Yard Set-back as the other Side-yard it increases the Combined requirement to 40'.

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

**Mr. Maryanski** said and we are proposing a Combined of 36'.

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

**Mr. Maryanski** said so if we were not a corner lot we would be in compliance, it's the fact it's a corner lot is the reason for that variance.

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

**Mr. Maryanski** said now we turn to the height . We are proposing 30.5' where 28' is permitted what is the reason for that ?

**Mr. Blake** said there is a couple of reasons for that. 1) is the basement garage . Trying to put the basement garage on the lower side where the property slopes down a lot, without varying the garage, so to speak, totally underground, subterranean kind-of, would have the first floor a

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couple of feet above the ground.....we're proposing from the average grade to the 1<sup>st</sup> floor just over 3', 3.2 or something like that, 3.3'. So, its about a foot or two higher out of the ground than a normal house. Again we start from the basement garage. That kind of gets up here with the roof pitch. We are trying to maintain like a 4 ½ roof pitch. We can actually get almost 5' clearance up here, so we can actually have an air-conditioner, so we can actually service an air-conditioner. But by no means is this strenuous. We have 9' on the first floor ceiling heights and 8' on the 2<sup>nd</sup> floor ceiling heights. Again its today's standards, if you will, and results in a little bit of a higher roof, and again partially because the property falls off and the rise is in a lower level.....

**Mr. Maryanski** said and you mentioned that the lot is undersized, and with the corner lot Set-backs, it kind of squeezes the foot print of the building in, requiring us to go up. Is that fair to say?

**Mr. Blake** said yes, that's the whole result of this house. We are making a 1 ½ story house into a 2 story house that's the result. You can't make a respectable sized house with an undersized property.

**Mr. Maryanski** said first of all, the deviation from the height requirement, we are not exceeding 10% of the permitted height. Correct ?

**Mr. Blake** said that's correct. We are proposing 30 ft., 4.5 in to be exact. That's 2.5' above the requirement.

**Mr. Maryanski** said how does that compare ? You've seen the other houses in the area. You've been in the neighborhood. Is this substantially higher than other houses in the area ? Or is it fairly comparable ?

**Mr. Blake** said I think its fairly comparable. There are a couple of 1 ½ houses right next door. There are some obviously 2 ½ story dwellings all over the place. There are some houses that have higher sides and lower sides, things of that nature.

**Mr. Maryanski** said OK, now lets turn to the Floor Area Ratio. We are proposing 39.22% whereas 34.32 % is permitted. So we are 4.9% over. What is the reason for that ?

**Mr. Blake** said we are just trying to make a house that is comparable .....a 2908 sq.ft house is not over-sized by any means. If we actually had a 100 by 100 property in Cresskill , we would be allowed to make a 3000 sq.ft house. We're not an oversized house, we have an undersized property. An increase in FAR very quickly. Again, we don't have any grandiose size rooms or extra rooms, we don't have extra rooms- 6 bedrooms , we don't have 30' by30' rooms. We have standard room sizes. Bedrooms are 12' by 13' and things of that nature, so they are not over-sized. This is the result of an under-sized property.

**Mr. Maryanski** said if we were, as you said, a conforming lot of 10,000 sq.ft, a 3000 sq.ft house would be permitted and we are 100 sq.ft below that.

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

**Mr. Maryanski** said the lawn area is about 25% deficient in lot size, 10,000 sq.ft is required and we're little under about 7,500 sq.ft. That's about 25%, correct.

**Mr. Blake** said correct.

**Mr. Maryanski** said and the required Floor Area Ratio we're permitted, 2,544 sq.ft ....., if we complied with that and we're at 2908. That difference is about 14% over. Right ?

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

**Mr. Maryanski** said so its not proportional to the deficiency of the lot size, its much less.

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**Mr. Blake** said yes.

**Mr. Maryanski** said and would you say that the 2900 sq.ft home, that's being proposed, is comparable to the other houses in the area ?

**Mr. Blake** said yes, I think its very much comparable to houses in the area. There are some smaller properties, there are larger properties in the area but 10,000 sq. ft property in the R10 zone is pretty prevalent and so are houses close to 3000 sq.ft in the neighborhood.

**Mr. Maryanski** said isn't the applicant also proposing a reduction of the Building Coverage, and the total Impervious Coverage with this application ?

**Mr. Blake** said yes the Impervious Coverage decreases from 41% down to 31% . Again, we have a relatively large driveway here on one side that we are taking away and planting with grass and landscaping and such of that nature. So there will be a lot more landscaping especially on the Carlton Terrace side of the property. There's a caveat that in the rear that we are encompassing now with our addition, but it really isn't with all the saving of the driveway. We will have a much more compact driveway than what's there now. The Building Coverage is slightly over right now is actually 25.6. So its actually 5.5% over right now. The Building Coverage itself and we are reducing that down to 19.77% . Less than 20% of the allowable. So the Building Coverage has to do with the deck and a sun-room in the rear. Kind of coming down and kind of our building is not even as big as what's there now. So the Lot Coverage is coming down as well as the Impervious Coverage . And they are both compliant.

**Mr. Maryanski** said Okay. So basically, again, we are not increasing the foot-print so much as we're going up . Correct ?

**Mr. Blake** said Correct.

**Mr. Maryanski** said other than the variances for the Side-yards, the Height and the Floor Area Ratio. Any other required variances, or does the application comply with all the other Zoning ordinances requirements ?

**Mr. Blake** said Correct, it complies with all the other Zoning requirements. Obviously the under-sized lot is an existing non conformity . Everything else is conforming.

**Mr. Maryanski** said OK. Now in your opinion, does the size of the property and the topography that you described and the location of the existing house, and the fact that it is a corner lot, does that constitute a hardship in dealing with this property.

**Mr. Blake** said I think the under-sized lot obviously creates a size deficiency, if you will. So I think there is a hardship with the under-sized lot. The fact that the lot is narrow with 75' width instead of the 100' width, is I'm sure the reason we are having a Side-yard set-back issue. Then, again, we are working with an existing building so that's already there, but that's already there because of the original under-sized lot . The height variance does have to do with trying to work in the driveway and the garage and things of that nature. The height requirement from Cresskill, from my understanding, is the 2 corners of the front that's where we're taking the height from and one corner is relatively high and one of our corners is relatively low. So again, the tilt from the property does create a little bit of a hardship as far as making the building height proper, and trying to keep the front door, and things like that on the upper level, if you will, therefore you don't have as much height to play with, because you have to take into consideration the low point where the garage extends .

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**Mr. Maryanski** said OK. Lets discuss a little bit the basis for variance relief, and we are looking at the purposes of zoning set forth in the Municipal Land Use Act, and it mentions promoting appropriate uses and development of property to further the general welfare, and promote desirable visual environment, and the efficient use of land. In your opinion does this application advance.....

**Mr. Blake** said yes. I think that the standards.....are obviously not anything above and beyond the norm. I think the relative tract gives you the most size for the least damage to your property and they fit in the neighborhood.....

**Mr. Maryanski** said so you feel this would promote those prerequisites that I mentioned ?

**Mr. Blake** said I do .

**Mr. Maryanski** said and do you see any detriment to the neighborhood , the surroundings, the Zoning scheme , the Zoning plan, the neighborhood ?

**Mr. Blake** said no I don't think so at all. Again, we are working with one Side-yard set-back.....*explained how the house and driveway are at a sufficient distance from the neighbors.....*I think we are far enough away from our neighbors. I think we have the right sized house.....

**Mr. Maryanski** said and again we are not going any closer, substantially than what exists now.

**Mr. Blake** said correct.

**Mr. Maryanski** said and is there screening, is there buffering between the properties ?

**Mr. Blake** said yes, there is quite a few respectable high kind of a tree especially along both sides of this house, if you will. Side-yards even along Carlton Terrace.... and there is some in the back as well. So its pretty well screened, its pretty well mature, lets put it that way.

**Mr. Maryanski** said you mentioned the moving of the driveway from closer to the corner to away from the corner. I would imagine that's going to be a safer situation than what is there now.

**Mr. Blake** said yes, definitely. Safety has shown that stuff positive . Today you wouldn't even be allowed to build a driveway that close to the corner.

**Mr. Maryanski** said no further question.

**Mr. Kassis** asked does anyone on the Board have any questions for the applicants ?

**Ms. Batistic** said I have a question. Is this the existing condition, not the new construction ? Correct ?

**Mr. Maryanski** said correct

**Ms. Batistic** said you said that the front wall and a portion of the side wall will remain ?

**Mr. Blake** said ...most of the left-hand and a portion of the right-hand.

**Ms. Batistic** said the garage, that you are proposing, is it at the elevation of the existing basement ? or is it higher or is it lower ? Does the existing house have a basement ? I guess it does.

**Mr. Blake** said yes it does.

**Ms. Batistic** said the new basement / garage is it going to be at the same level or higher ?

**Mr. Blake** said I would imagine that it might be slightly lower. (Just let me get my stuff up here of the original basement) So it wouldn't be a little bit under-pinning on the left-hand side, if you will.

**Ms. Batistic** said so most of the lower level, the basement level, will be at the existing basement level.

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**Mr. Blake** said correct.

**Ms. Batistic** said now, the existing walls this is now also rehab, correct ?

**Mr. Blake** said yes. One and a half, yes.

**Ms. Batistic** said and you are going to have 2 stories. Are these walls structurally okay to hold the whole additional load.

**Mr. Blake said** most of the time they are. We will have to inspect them a little bit closer once we start tearing things apart. Right now, the last time I was there, there was this level wall, so I'm not sure what's behind the sheet-rock and plaster, all the time, but most of the time, they are salvageable, and it takes some re-structuring, and some re-framing, and some repairing, but its workable.

**Ms. Batistic** said Thank-you.

**Ms. Westerfeld** said I have a question. What is the difference in the height between one end of the house and the other end and the lower end ?

**Mr. Blake** said its 106 and 103, so its 3'. 2.8 and a half, I think.

**Mr. McCord** said back to the basement, the existing height of the basement ceiling is .....

**Mr. Blake** said not at this time. I guess the garage may have to go up to make the garage function. The basement itself should be maintained.

**Mr. McCord** said so there is no additional height being added to the foundation to accommodate.....

**Mr. Blake** said no.

**Mr. McCord** said in regard to the height variance, the concerns I have on that, also the roof pitch frame for that. What is the pitch of the roof above the front door, in comparison to the roof pitch on the upper roof ?

**Mr. Blake** said I'm not exactly sure that I'm following what you are saying, but

**Mr. McCord** said the roof over the front door, what is that pitch ?

**Mr. Blake** said it should be the same as the 4 ½ pitch that.....The roof is not a perfect pyramid kind of thing. Its steeper front than back, its steeper from side to side. I don't know how to describe that very well.

**Mr. McCord** said the upper height, what is the pitch on that ?

**Mr. Blake** said well again, 2 of the roofs are sloping from front to back and sloping 4 ½ because the house is deeper. The roof is deeper, let me put it that way, the house is so much deeper. The roof is deeper, so if you look on the left hand side, the east side, or what's in the side-yard set-back, from front to back its 4 ½ to 12 pitch, and then, far on the side, in the front of the house, 12 pitch.

**Mr. McCord** said so every foot of decline 3 additional inches .....

**Mr. Blake** said correct. If it was equal we'd be here for 34'

**Mr. McCord** said not unless you lowered both of them to accommodate that..

**Mr. Blake** said we can't make it any smaller without making this pitch weaker. This pitch is controlling the "highness" in the roof. So we are not making the 4 ½ to 12' pitch weaker. If we made this other side 4 ½ to 12 it would just make it more like a pyramid, kind of clumped to one point. We kind of prefer this where the ridge appears- it will make this a bit steeper.....but we still have to have a roof on the side and in the back, so this is kind of controlling our height.

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**Mr. McCord** said so there is nothing in your training that can be done to reduce the overall height.

**Mr. Blake** said I mean obviously you can make 4 ½ to 12, maybe a 4 pitch or something. I really wouldn't want it much lower than that. As it is the attic ....is again 5 ½ ' so there is not a lot of room for air-conditioning. Someone would have to crawl on their hands and knees to service it, so to speak. I obviously know that this would be a question. I know that's why we're here, I know that this would be the 1<sup>st</sup> question... so I'm not trying to quote any higher than we have to, but we kind of thought that was what we could work with.

**Mr. McCord** said now on the other variance, FAR 4.9 % with a 75' by 100' lot. Not many homes with that size have rooms of that size. Any thought to cutting down.....

**Mr. Blake** said its hard to say. Sure that's the land, sure that's the lot size...

**Mr. McCord** said you've asked for more than that ?

**Mr. Blake** said I've asked for 7 one time.

**Mr. McCord** asked did you get it ?

**Mr. Blake** said I don't think so.

**Mr. McCord** said are the lots this size. You keep referring to 100' by 100' lots. Which is the reality of the lots in this area of the town, A good percentage of the lots are 75' by 100', and a large percentage of those homes are conforming with the FAR. Applications from those have been compliant with the FAR. You are here today for an application in the same neighborhood and with the same size of lot with an FAR of 39% . You may have certain room sizes. A family room 18.6 by 19.8. Not many homes with lots that size have rooms that size. Any thoughts to finding a way to cut that number down a little bit ?

**Mr. Blake** said in this case its the 2nd floor. The 1<sup>st</sup> floor does seem to have larger and bigger rooms and more of an open floor span. You don't have the separate office , walk-in pantry and all these other goodies on the first floor and the coat closet.....We have big, large, open rooms, instead of all these accessory rooms ..... One of the things that get controlled by the 2<sup>nd</sup> floor – there's always 4" here and there....the plan, 2900 sq.ft., I have right now is, again, respectable in the neighborhood.....

**Mr. McCord** said I have a question, the first floor ceiling is 9'.

**Mr. Blake** said correct.

**Mr. McCord** said does it need to be 9' and not 8' ?.

**Mr. Blake** said it is industry standards these days. What we are doing is in the mentality of the open floor plan we're showing on the 1<sup>st</sup> floor. The larger open room sizes. Architecturally feel correct with the larger higher ceilings.

**Mr. McCord** said it means you would reduce the whole house one fourth.

**Mr. Blake** said that's quite possible.

**Ms. Batistic** said what would the FAR be if you one foot from the depth of the house ?

**Mr. Blake** said 39 times 2 , so you reduce it 78 sq.ft and that would give us a 2830 sq.ft house. Divide that by the 7414 sq.ft. 4.9 % would be down to 3.8%.

**Ms. Batistic** said I understand that the 2<sup>nd</sup> floor takes the size from the 1<sup>st</sup> floor. The master bedroom and master bathroom and bedroom number 1, they are large. The hallway is 52", 4' 4"

**Mr. Blake** said correct.

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**Ms. Batistic** said 4' is pretty wide for a hallway. 4" there and then another 8" on each of these bathrooms. You will not lose anything basically. You will still have a large room, a large bathroom and then the bedroom and then the kitchen definitely. The distance between the islands and the sides are like more like. This is probably more than 5' between the refrigerator and the.... I know you have to.... To me it's not like something that looks tiny if you do that, and it will be much closer to the FAR that's required without waste.

**Mr. Blake** said agreed.

**Ms. Batistic** said I personally think that this is an improvement because you are reducing significantly Impervious Area and the Building Foot-print. That is definitely an improvement, but I don't think you will lose that much of the function of the house if you take a foot from the depth.

**Mr. Blake** said I understand.

**Mr. Kassis** said the Bump-out in the back is 4.4'

**Mr. Blake** said correct.

**Mr. Kassis** said by 19.6'

**Mr. Blake** said correct.

**Mr. Kassis** said if that was removed and the upper rooms also slightly re-configured. What kind of square footage would we be talking about with that ?

**Mr. Blake** said four times 19 or 20 sq.ft. For a 7500 sq.ft property every 75' is 1%. If we took it out on both floors we could save 1% and 1%.

**Mr. Kassis** asked would that be detrimental to the design of the house ?

**Mr. Blake** said personally I like a little bit of in and out, I don't want necessarily to make a box back there so I can have a foot or two sticking out by the porch.

**Mr. Kassis** said to verify one more time the height of the existing 1<sup>st</sup> floor, is the same height as the current existing 1<sup>st</sup> floor.

**Mr. Blake** said correct .

**Mr. Kassis** said so there is not much we can do with the height we can't push the thing further into the ground, without a major re-do of the foundation. 9' is somewhat normal on the 1<sup>st</sup> floor of newer homes. 8' is sort of the requirement for the bedroom floor.

**Mr. Blake** said yes.

**Mr. Kassis** said I am concerned about the FAR, and whether or not there is anything that can be done. I'm not suggesting that the Board will vote either way on it. The Board members. Is there any other questions being asked ?

**Mr. Corona** said *I feel a lot more comfortable voting on the positive, such as height and FAR. The height is what is bothering me.*

**Mr. Van Horne** asked Mr. Maryanski do you want take a short recess.

**Mr. Maryanski** said yes, I think that would be fine, thank-you.

After a recess of 8 minutes.

**Mr. Kassis** said Back in recording mode here. Thank-you for taking some time to review the application and the comments that were made. Are you prepared to introduce any changes for the Board to consider ?

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**Mr. Maryanski** said yes Mr. Chairman. I would like to get them through my witness. He can explain it better than I can. Mr. Blake, we've had a discussion with the applicant and based on the comments the Board members made, what accommodations can we make as far as the height and Floor Area Ratio

**Mr. Blake** said as far as the height goes, I think that we talked about.....it will require a little bit more roof line work and stuff like that. I think we can concede on the height and make it about 9" lower than what's there now. And I'll probably put 4 ½ pitch to about 4.....the roof is specially guaranteed by the manufacturer .....keep the water out and give you a lifetime guarantee. ... I think that I will still barely put the air-conditioning, and again serviceable, conditions like that. But I think we can make that work if we concede 9". So what we are proposing for a height, as opposed to 30.5, is 29.75 . And that would put us over the allowable 28' by less than 2', its 21" if you will. Its really this much. Again we are talking about a roof that's a Hip roof.....the only part that's going to be higher than what's allowed, is the very tip of the roof, which is in the middle of the property, and the highest thing on that roof, and you'll never really see the top of the roof from the street anyway. So I think that's a logic that we can all work with.

The Floor Area Ratio we have talked about.....we have conceded that we can work with 2800 sq.ft if we reduce the square footage by 108 sq.ft. That's more than a percent, its actually closer to 1 ½ percent reduction. So we would like to ask for a 37.76 % FAR. It's 3.4% over, if you will. Again, that will allow us to get a 2800 sq.ft house, and some matter, shape or form we will be able to take off 108 sq.ft on the rear of the property . For what its worth it will also benefit us as far as having a lot more Rear Yard Set-back, even though it has always been in compliance anyway.

The Side Yard Set-back variance that we are seeking is again kind of a resolvment from the existing non-conformity that's there now. It would be quite a hardship to have move the whole house, if you will, and for that matter even step back and make a .....in the kitchen, or something like that, to kind of conform to the Side Yard Setback. So I think that cannot resolve from what the existing conditions are. So I think that is something we cannot work with.

**Mr. Kassis** said so how does that affect the 30.18 Back-yard dimension ?

**Mr. Blake** said it will grow by at least a foot, possibly more.

**Mr. Kassis** asked 32' ? Are we moving that back 2' ?

**Mr. Blake** said quite possibly.

**Mr. Kassis** said if you are going to reduce that Bump-out by 2', then your Rear Yard would be 32 .18 . Is that what you are proposing ?

**Mr. Blake** said again, I'm trying not to propose the exact

**Mr. Kassis** said you have to propose something.....

**Mr. Blake** said I can propose that the Rear-yard set-back is in compliance.

**Mr. Kassis** said we just need to know the number.

**Mr. Blake** said 32'.

**Mr. Maryanski** said alright, we like the Floor Area Ratio and the height . We like to deflect the ability as far as the floor plan, how to lay it out, so to reach that, but so we don't want to make specifically what the design will be inside, but just the square footage and the Floor Area Ratio .

**Mr. Kassis** said fair enough.

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**Mr. Maryanski** said but obviously the front part of the house will shrink, the lot coverage will shrink, the Impervious Coverage will shrink, the Rear-Yard set-backs will grow. So there is benefit all the way around.

**Mr. Kassis** said any other comments before we open it up to either the Board or the extension from the Board.

**Mr. Corona** said I just want to ask. So are we considering the height of the attic space. So that the guys can service the A/C units in the attic. Or are we putting the units on the outside like a lot of other people do.

**Mr. Blake** said there is a unit in the attic and there is an outside unit as well. (...gave technical names to each unit). Many small houses have the air and water in the attic. We've had that problem before. I've designed attics less than 4' tall. I've learned my lesson. That doesn't work. We can decrease up to 9" and make that work.

**Mr. Corona** said look at that house compared to every other house within like 3 or 4 .....Firstly its on a hill.

**Mr Blake** said if you look at house 10 or 12 houses away, there are some sizable ones.

**Ms. Batistic** asked what will be the final rank.

**Mr. Blake** said 29.75' height and 37.76% FAR

**Mr. Kassis** asked anymore questions from the board ? Anybody here for the application ? One at a time. Step forward, state your name.

**Mr Nachum Loss**, 76 Heatherhill Rd, was sworn in.

**Mr Loss** said he lives next door to the applicant. I just wanted to make sure that the variance to the sides of the property will not make his house closer to mine. Because its so close already.

**Mr. Kassis** said based on the testimony, that 10.5' is not going to change.

**Mr. Loss** said Okay, that's all that I wanted.

**Mr. Kassis** asked any other questions ?

**Mr. Loss** said no.

**Mr. Birnhack**, 117 Heatherhill Rd, was sworn in.

**Mr. Birnhack** said I just wanted to mention that I support the application. I know the work of the Builders, they build beautiful houses. They will improve the house, and it will benefit the street.

**Mr. Kassis** said before we go I want to make comments regarding the changes. I appreciate the effort that was made to reduce the height variance. Knowing that there is some limitations based on the existing floor plan. And also appreciate the adjustments made on the FAR. Unless there are any other questions , I move for a motion from the floor to either approve or deny the application as amended.

**Ms. Batistic** made the motion to approve as amended. I think it is an improvement to the area because not only did they reduce the existing impervious, they are also eliminating the various so-called Sylvie, and the Lot Coverage variance. With the changes they just proposed I think the application should be granted.

**Mr. McCord** seconded.

The motion was granted unanimously .

**Mr. Kassis** said that the resolution would be memorialized at the next meeting.

The ZBOA meeting was adjourned at 8:30 pm.