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

Mr. Kassis called the meeting to order at 7:30 pmMs. Bauer did the roll-callThe July 28, 2022 minutes were approved by Mr. Cleary and seconded by Mr. McCord.

Application

1392 Kathy Kim		14 Ce	B 54 L 6			
Description	Required	Existing	Proposed 7/28/22	Variance 7/28/22	Proposed 8/25/22	Variance 8/25/22
Front Yard Set Back	25'	27.8'	27.8'			
Side Yard Abutting/Lot	15'	10.9'	10.9	4.1'		
Other Side Yard	20'	10.7'	10.7'	9.3'		
Combined Side Yards	35'	21.6'	21.6'	13.4'		
Min. Rear Yard	30'	55.3'	47.3'			
FAR	34.2%	24.3%	37.8%	3.6%	33.9%	
Height of Building	28'	25'	28'			
Lot Frontage	100'	75'	75'	enc		
Lot Depth	100'	128.4'	128.4'			
Bldg. Coverage %	20%	21.5%	26.1%	6.1%	23.3%	3.3%
Impervious Coverage variable	32.4%	30.5%	34.2%	1.8%	34.5%	2.1%
LotArea	10,000Sq.ft	9,625	9,625	enc		

Mr. Serdar Kayman is the project architect and representative for the owners. The applicants are seeking the above variances to construct an addition to their home.

This application was carried from the July 28, 2022 ZBOA meeting.

The applicant submitted a new application including fees, notification of owners within 200' and Site Plan dated 03/10/2022

Mr. Kassis introduced the application.

Mr. Van Horne said that the application was continued from last month and

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 1392 Kathy Kim (cont.)
 14 Cedar St
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Mr. Serdar Kayman was still under oath.

Mr. Kayman testified. We were here last month and we discussed this project. It is an addition, first and second floor addition....we took into consideration all the comments we received from the borough, and we have scaled down our project. And there was a slight misunderstanding about the FAR issue. We took the number from the denial, but that number was incorrect. So now we are not seeking any FAR variance, as per the Zoning Ordinance. So the Building Coverage went down from 6.1 variance to 3.3. And Impervious Coverage is a little bit more, because we have to re-calculate. Its 1.8% instead of 2.1%.

Mr. Kassis said so could you identify on the drawing, which I'm assuming is the same as in our packet.

Mr. Kayman said yes, correct.

Mr. Kassis said could you explain where changes were made from last application.

Mr. Kayman said so we had a family room, we were lining up with the 2nd floor. We scaled back maybe 10', about 10', so that was the major change. And we also scaled down the dining room, and also master-bedroom. So basically we took back, make it smaller those rooms to get the numbers.

Mr. Kassis said the information in front of us says that tonight you are looking for a variance of 3.3% on Building Coverage, and 2.1% on Impervious Coverage. Is that correct ?

Mr. Kayman said that's correct, but we are also not complying in the Side Yard.... that is existing but I think we are sitting *various* on those as well.

Mr. Kassis said is there any questions from the Board of the applicant ?

Mr. Kayman said one more thing that I just want to clarify. *There was also a comment on the height...* we went back and did the re-calculation again, *if you refer to A2.01, you will see thatwe are complying with the ordinance.*

Mr. Kassis said that's at the front.

Mr. Kayman said yes, at the front. From the average grade to the top of the roof.

Ms. Westerfeld asked are these on the chart on the bottom left ?

Mr. Kayman said yes.

Ms. Westerfeld said with the clear footage and all that. Can you tell the differences now ?

Mr. Kayman said this chart that you are talking about ?

Ms. Westerfeld said yes

Mr. Kayman said so, the differences are in theside-yards, rear yards and both side-yards. The Building Coverage has been changed from 26.1% to 23.3%.

M s. Westerfeld said I meant the square footage.

Mr. Kayman said the square footage, okay, we'll change.recited the rooms / spaces that will change......280 square foot from the upper basement reduced. Also reduced the dining room on the first floor, and we also reduced from the second floor.

M s. Westerfeld commented.....

Mr. Kayman said I don't know.

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1392 Kathy Kim (cont.)									14	Ceda	ar S	St	B 54 L 6		
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Mr. Kassis asked Any other questions for the applicant ?

Mr. Kassis said I would like to make a comment. I appreciate the work you did. To take some if the input from the Board, and some of the concerns. And I believe you achieved what the Board was hoping you would, in scaling back this project to a number that seems more fitting with the neighborhood.

Mr. Kassis said Is there someone from the community regarding this application ?

Mr. Kassis said Let the record reflect that there was no-one here for this application in the audience.

Mr. Kassis said Do we have a motion to approve or deny this application ?

Mr. Cleary said Motion to approve.

Mr. Kassis said Motion from Mr. Cleary. Second ?

Mr. McCord said Second.

Mr. Kassis said Mr. McCord second it. Roll Call Bobbi.

Ms. Bauer did the Roll Call of the Board to approve the application. All 4 members, present, approved.

Mr. Kassis said it looks like your application was approved. It will be memorialized next month.

Mr. Kassis described the standard procedure of obtaining the Building Permit from the Building Department.

Mr. Kayman said Thank-you very much.

Mr. Kassis said the next application we have is 1393.

Please see next page

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1393 Avi Bacalu	(cont.)	300 Co	unty Road	Block 72 Lot 1.02			
	Required	Existing	Proposed	Variance	Prop.	Var.	
			7/28/22	7/28/22	8/25/22	8/25/22	
Front Yard Set Back	25 ft.	78.2 ft.	78.2 ft.				
Side Yard Abutting/ Lot	15 ft.	6.9 ft.	6.9 ft.	enc			
Other Side Yard	20 ft.	7.1 ft.	7.1 ft.	enc			
Combined Side Yards	35 ft.	14.0 ft.	14.0 ft.	enc			
Min. Rear Yard	30 ft.	157.6 ft.	157.6 ft.				
FAR							
Height of Building	28 ft.	25 ft.	25 ft.				
Lot Frontage	100 ft.	59.46 ft.	59.46 ft.	enc			
Lot Depth	100 ft.	283.14 ft.	283.14 ft.				
Bldg. Coverage %	20%	12.9%	12.9%	enc			
Impervious Coverage variable	34%	62.6% approved 03/24/2022	71.9%	9.3% over approved existing	65.1%	2.5% over approved existing	
Lot Area	10,000 sq. ft.	16,927 sq. ft.	16,927 sq. ft.				

Mr. Bacalu is seeking to extend the pool patio. The Board previously approved the Impervious Coverage of 62.6% for extension of the pool patioon March 24, 2022

This application is carried from the July 28, 2022 ZBOA meeting

Mr. Christopher Lantelme, from Lantelme, Kurens & Associates, introduced himself. He is an associate of **Mr. Sean McClellan**, engineer, with Lantelme, Kurens & Associates, who represented the applicant at the July 28 2022 meeting.

Mr. Lantelme said that Mr McClellan was unable to attend the meeting today and that he, Chris. Lantelme, would represent the client, Avi Bacalu.

Mr. Lantelme was sworn in and gave his credentials.

Mr. Lantelme said that everyone should have, I want to make sure you have the right one, the revision date of Aug. 2, 2022, should be right above the Title Block. This application was

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1393 Avi Bacalu (cont.)300 County RoadBlock 72Lot 1.02

presented. This case was presented a month ago, and we were asked to cut back on what we were asking. Basically looking for a variance on coverage. Just so the record is clear, the applicant was not asked to do anything. There were comments made, and perhaps suggestions made, the applicant was not asked to do anything.

Mr. McCord said and also this is now a the third time you have been here.

Mr. Lantelme said there was a previous application in March?

Mr. McCord said that's correct. For the same exact fault.

Mr. Lantelme said yes. Same configuration, but yes. So what we are asking for is a Coverage variance of 65.1%, where 34% is allowed. I'm just going to go thru a little bit of a justification again, I'm sure you heard this a month ago. But basically it's a very narrow lot, and the area that is used to calculate coverage is just the first 125 feet. So in this case, whatever Coverage we have on this block, we are dividing it by 7433 square feet. That's the area for the first 125' of this lot. Lot not conforming, little over 59' wide. If it was a conforming lot it would . 12,500 square feet. So that's basically the hardship, which would be the narrowness of this lot. Which makes us use that lower number for calculating the coverage. So what we did, was we cut back on the coverage we were asking. The last hearing we were asking 71.9 %, and it appeared to be, just from the comments, that was unaccepted. We reduced it to 65.1%. Very easy, showing exactly where we took it out. We reduced the driveway 274 square feet. The main reason why we did not have to remove the driveway completely is because you did want to have some capability to turn a car around on County Rd. It's a big road, we just felt that it was important to leave a small space so a car can turn around. And the other area that we cut back on was the patio next to the pool. If you look at this drawing, the patio is just to the left of the pool its 4' wide, its almost like a – just a walkway next to the the old plan was 10' wide patio next to the pool. We are keeping the same drainage. It's one chamber, so its kind of hard to get smaller than that. That's truly what we did.

Mr. Kassis said the drawing does say 'meandering wood fence'. It does not say whether the fences are existing. Are those fences on each side of the pool which will be required, currently in existence ?

Mr. Lantelme said I saw the new fence. It's a vinyl fence (consulted Mr. Bacalu)..... there's a fence there now. And it's a vinyl fence now.

Ms. Westerfeld said I have a question. You were approved in March, 62.6, for the same exact thing, what's the difference from then to this ?

Mr. Lantelme said no patio in the rear. Please give me one minute.

Ms. Westerfeld said you had a patio but now you don't have a patio?

Mr. Lantelme said no, no. Initially there was no patio . It was strictly an enhanced in style pool. There was a porch, in the driveway, removed, but it was a little different configuration than what we have now..

Mr. Kassis said the patio that you put all around the pool

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1393 Avi Bacalu (cont.)300 County RoadBlock 72Lot 1.02

Mr. Lantelme said and there was one other thing that was added. It's a proposed access way to the basement. That was not on the original plan. But they want to put a staircase going down to the basement. At the corner of the house.

Mr. McCord said I will ask you the same question I asked your colleague last month. **Mr. Lantelme** said sure.

Mr. McCord said when this was heard in March, I specifically asked : you realize that you are building the pool in the middle of a grassy field in your back yard ? You are sure you don't want a deck around it ? The answer was un-equivalently, 'we do not want a deck, we want the pool in the middle of a grassy field'. So it was a shock to me personally, when the very next month, or 2 months later, you come back and say you want a deck around it. That's what happened last month. Now, you coming back and saying , we still want the deck around it, even though we testified, four months ago, we didn't, but we just want to cut it down in size. So, I still want an explanation for why the testimony was ' we want a pool in the middle of a grassy field' and now its changed. When the only thing that has changed, over the months, is now you have actually dug a hole in the ground for the pool.

Mr. Lantelme said right, the pool is there but nothing else is there. Right now.

Mr. McCord asked What's changed ?

Mr. Lantelme said I don't know, I'd be speculating. I'm here.....

Mr. McCord said you're the expert here, right ?

Mr. Lantelme said I'm the engineer here. People change their minds. I'm always surprised when I see a *handsome style* pool. This isn't the first time that I have seen it, because..... **Mr. McCord** said we already gave you variances to build the pool in the first place, you realize that. Right ?

Mr. Lantelme said yes, yes.

Mr. McCord said so now you are asking for an even greater variance because now you want a deck around it. I want an explanation for why the change. Because, honestly, based on the testimony last month, it sounded like, I hate to say it, it sounded like, when you said it in March, you really did want the deck, but you decided: you know what, we really did want the deck, but we will come back in a couple of months and see if the Board changes their minds. That's really what it sounded.....

Mr. Lantelme said that would be.....such horrible advice for a builder or an engineer to give to a client because we know

Mr. McCord said maybe your client wants to testify.

Mr. Lantelme consulted with Mr. Bacalu

Mr. Kassis said we have to hear applications in their entirety.

Mr. Lantelme said right.

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1393 Avi Bacalu (cont.)300 County RoadBlock 72Lot 1.02

Mr. Kassis said As you know in an application, you can't cover in one month for the same application, or come back and propose something that you did not ask for, did not get the first time.

Also on your application, I do not know whose signature that is, but on Page 7, question 8, asks: To your knowledge, has any previous application involving the subject premises been taken to the Board of Adjustment or the Planning Board ?. The indicator 'No' is checked. It is troublesome, we have, what was brought up by another Board member, an application that if that is a mistake, it's not truthful...

Mr. Lantelme said obviously it's a mistake. We were here in March. Someone makes a determination that this application is different enough to be able to come in front of this Board. So we are here. So from that stand point, somebody has determined that.... As far as what you are asking, I'm told that somebody changed their mind, and that's about it.

Mr. McCord asked do we have that on the record ?

Mr. Van Horne said it is on the record.

Mr. McCord said that the owner has not been sworn in. I want him on the record sworn.

Mr. Avi Baculu was sworn in.

Mr. Kassis asked so this application that is here now, was it filled out by you ? There is a signature here. I'm sure you have a copy of this.

Mr. Baculu said yes.

Mr. Kassis said So in the few months, you were not able to determine you were in front of this Board ?

Mr. Baculu said that was my wife back in March

Mr. Kassis said that is your wife's signature right here ?

Mr. Baculu said that is my signature but my wife was here and I don't know if she testified in March.

Mr. Kassis said so you were here in March. You signed this paper saying that there was no application in front of this Board. That yes, not even 90 days before this application was filled out, and the document provided to us, which helps us make decisions......we've had applications where someone was here 20 years ago and forgot but three months that's troubling. There is a lot going on in this property. At the last meeting we were trying to figure out how this could be achieved. You have existing patio pavers which is substantial in size, and you are having a pool patio that you are proposing, plus you are asking for accessibility into the basement. That accessibility into the basement could have been requested when the building was built, or when the first application was submitted.

Mr. Baculu said we changed our minds. First thing we knew, we wanted a pool. Right now the egress window.....

Mr. Kassis asked what is the history of this house. When was this house built, in this condition its in right now ?

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1393 Avi Bacalu (cont.)

300 County Road

Block 72 Lot 1.02

Mr. Bacalu said 2002 / 2003.

Mr. Kassis said I'm going to put that on the Board for 25 years, more or less. Applications come in all the time, and we don't like to do things in the piecemeal format. Somebody comes in we like to get these things taken care of in one shot.

So no change has been to the existing paver patio. That is staying. Correct ?

Mr. Lantelme said existing paver patio is staying. What we cut back on was the other proposed patio around the pool, to the left of the pool.

Mr. McCord said and the driveway isn't changing either.

Mr. Lantelme said the driveway. The turn around, you are still seeing it. We are keeping the turn around. We are getting rid of two thirds of the driveway. I know that probably you don't have a copy in front of you

Mr. McCord said I have one in front.

Mr. Lantelme said but if you looked at the one from last month, the driveway was not going to be touched. What we did was remove part of the driveway.

Ms. Westerfeld said the turn around is there now and you are removing it ?

Mr. Lantelme said we are removing about two thirds of it.

Ms. Westerfeld said its existing.

Mr. Lantelme said its existing. Right.

Mr. Kassis asked are there any other questions from the Board members. I'd like to hear from any neighbors, if they are here. Any other questions before we do that ?

Is there anyone here that has questions about this application ? Let the record show that there is no one here for this application.

Mr. Lantelme said As far as the application, somebody signed it and didn't fill it out right. For some of the simpler applications our clients are not hiring attorneys . Obviously.....there was no attorney there, or even if we filled it out for them, a lot of times we just filled them out. I just don't think, I know its wrong, the answer was wrong . I just don't know if there was any malice there. Months before that, I think everybody knew that they were here months before. They knew that. Probably just maybe in haste, I don't think anybody is trying to get away with anything.

Mr. Kassis said right. Initself, this has happened before. In connection with some of the other concerns, its something worth asking.

Mr. Lantelme said I know, I mean, people change their minds in trying to put a house together It's a little bit of a moving target. I think probably more important to them is the entrance to the basement, maybe its the contractor who suggested they could do it. But sometimes people's needs just fits the developing project, and thethey got. And I understand why it's a little unsettling and maybe a little distrustful. I know I'm here as the engineer and the surveyor but I have to say a little bit, you know, for my client. People change their minds. And I do think that

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what we are asking for is not excessive. It's a very odd shaped lot and its just below the numbers *where we cut trees probably*. And I know when I used to do a lot more of this. I have an associate that comes. Particularly in Cresskill, there are some ordinances that narrow lots don't work very well. I can just remember. We are not usually in front of you, we are usually in front of the Planning Board, but Combined Side-yards, for example, you have a Side Yard of 10 or 15, but combined it has to be 35. Very hard to do with narrow lots. This is just another example of that . It's a very narrow lot and what we have to use to do the Coverage calculation, just makes it very difficult for a 59'wide lot.

Mr. McCord said so what would need to be done for this to actually being conforming? I am reading this correctly, you are looking for a 2.5% Impervious Coverage. What if you eliminated the extra one third of the wrap-around private lane, for the turn around on the driveway. Or make the existing Paver patio slightly smaller.

Mr. Lantelme said when you are talking about getting it to conform, you are not talking about getting it south of 34%

Mr. McCord said I am saying to getting it back to what it was.

Mr. Lantelme said in March

Mr. McCord said right

Mr. Lantelme said *where it stood* in March.

Mr. McCord said that's correct

Mr. Lantelme said....its the pool....that isn't the term I used it's the term the testimony used **Mr. McCord** said when your predecessor was here I asked. 'Are you sure you want a pool in the middle of a field'. And the answer was 'yes, I want a pool, and we are going to have a pool in the middle of a field'. It wasn't my words, I just asked the question.

Mr. Lantelme said to get it back to that is just to go back to that....

Mr. McCord said what about reducing the driveway, what about reducing the existing paver patio ? That's a huge patio.

Mr. Lantelme said the existing patio.

Mr. McCord said right. And what about the driveway. You got rid of two *curves*, why not get rid of the whole thing. How bad do you need a turn around. Do you want a turn around, or do you want a deck around the pool. You tell me.

Mr. Kassis said its worth noting that 2.5% by itself, seems small. But the reality of it is you are at 65.1%. I mean Impervious Coverage, is 34%.

Mr. Lantelme said right

Mr. Kassis said I mean its not that you are asking just for 2.5%. You are asking to be *absolved* from Impervious Coverage.

Mr. Lantelme said we are asking significantly over Impervious Coverage for the first time 0.5 square feet. But, you know, in terms of houses...

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1393 Avi Bacalu (cont.)300 County RoadBlock 72Lot 1.02

Mr. McCord said how about answering the question.

Mr. Lantelme said what do we need to get back to.....

Mr. McCord said exactly. What if you take out the one turn about on the driveway ? Or if you reduce the existing paver patio ?

Mr. Lantelme said I think you would have to do....

Mr. McCord said and eliminate the entrance to the basement. Which was never before us in the last three applications.

Mr. Lantelme said I think that would get us back to what was approved. In the original approved there was some driveway there. So we could *trade back* for the basement entrance. Just looking at it, it looks like that might be it. And then we still have nothing around the pool except for the pre-existing patio. I mean we could cut a horse trade without being in front of this board, I believe. I believe we could just go back and say look this is what we are stuck with. We don't need the Board permission to take it from here and put it there. We just need the town's Building dept and the engineer to agree that its okay. Because we're not achieving anything. That's correct, that's not why we are here. But yes. To answer your question, that's what we would have to do. There has to be some priorities made, and maybe there would be no turnaround in the driveway. I believe the cellar entrance is pretty important to these people. **Mr. Kassis** said it's a lot, its is a lot of Impervious Coverage, even understanding the width of the lot. There are quite a lot in town that are far less Impervious Coverage with the same width of the property......I've worked 25 years here..I have passed thru many applications, I have not seen that kind of Impervious Coverage granted.

Mr. McCord said maybe you can also enlighten us. Last month I asked if this property was on a flood Zone, which I believe it is, can you speak to that ?

Mr. Lantelme said no. Do you think it is in a flood zone ? That's very easy for me to find out. Not far from the Tenakill stream. 100 yards, 200 yards ? You're not up on a mountain that's for sure. I'm not saying that 100 yards is far, but most of the time 100 yards is pretty far from the stream, unless there is a very flat area.

Mr. McCord said we just had a hurricane not too long ago, and the *lower* town was completely flooded. Including our High School. There is a real reason we are concerned with Impervious Coverage. I asked last month about this and I did not get a response.

Mr. Lantelme said you probably can't now. Because I can't check. Unless its close. It will take us two minutes to find that out. And, actually some of the data we get off the Internet, to do the initial survey, we see it. But, if you are saying you are concerned with Impervious Coverage because of flooding, that's one thing. But, this property being in a Flood zone, I don't know.

Mr. Kassis said so are there any other questions or commentsBeing that there is no one here from the audience. Before the Board makes a motion either way'

A question was asked about the stairway to the basement.

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1393 Avi Bacalu (cont.)300 County RoadBlock 72Lot 1.02

Mr. Van Horne advised Mr Lantelme there is a forum for Members of the Board here. You essentially have to get three affirmative votes for this to pass. Two to two would be considered a denial of the application.

If you want to carry this another month and possibly consider some of the issues. Its up to you, or you can put the vote to the Board tonight. I'm just telling you, you need three out of four. **Mr. Lantelme** said three out of four.

Mr. Kassis said if the scenario was denied. You could apply to the building department as long as the numbers are below what was previously granted. So if you were to come back, I mean

there are 2.5%, I don't know whether or not that is going to move the needle...

Mr. Lantelme said I mean at what point....

Mr. Kassis said we already previously granted

Mr. Van Horne said 62 and something.

Mr. Lantelme said we'll go with the vote. If we came back it would be such a level of difference.

Mr. Kassis said Okay. Can we have a motion from the Board for or against this application. **Mr. McCord** said motion to deny.

Mr. Cleary seconded.

Mr. Kassis said Roll Call Bobbi.

Ms. Bauer did the Roll Call of the Board to deny the application. All 4 members, present, approved.

Mr. Kassis said the application has been denied. Thank-you for coming in front of the board. **Mr. Lantelme** said Okay.

Mr. Kassis said next order of business, there is no Memorialization. Motion to adjourn.

Mr. McCord made the motion to adjourn.

Mr. Cleary seconded .

Meeting was adjourned at 8:14 pm