

**Borough of Cresskill
Zoning Board of Adjustment
Public Meeting
Minutes Feb. 22, 2017**

Present:, Mr. Kassis, Mr. Merzel, Ms. Furio, Mr. Corona, Ms. Schultz-Rummel, Ms. Batistic ,
Mr McCord, Mr. Van Horne (acting Board Attorney), Ms. Bauer (recording secretary),
Absent: Ms. Westerfeld

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 Jan. 25, 2017 meeting was approved.

Applications

1320 John Finetto 159 Magnolia Block 32 Lots 363-364

Description	Required	Existing	Proposed	Variance
Front Yard Set Back Magnolia	25'	17.62	20'	
Front Yard Set Back 8 th St	25'	17.36'	17'	
Side Yard Abutting/Lot	15'			
Combined Side yards	35'			
Rear Yard Set Back	30'	10.19'	10'	
Max. Livable Fl.Area FAR	Variable 39%	25%	43.8%	13.8%
Lot Frontage	100'	50'		Tech
Lot Depth	100'			
Bldg Coverage %	20%	18.1%	25.9%	
Impervious Coverage	Variable 35%	29.2%	34%	
Height	28'			
Lot Area.	10,000 sq.ft	5,000sq.ft		Tech
Driveway from Prop. line.	10'			

The applicant would like to construct a new family home. He is requesting an FAR Variance.

He is before the Zoning Board for an FAR variance.

He will apply for his other variances at the Planning Board.

The application was carried from the Jan. 25 2018 ZBOA meeting.

This application has the following history:

- 1283 159 Magnolia 32 363-364 7/23/2015 carried
- 1283 159 Magnolia 32 363-364 8/27/2015 carried only 5 members present- needs 5 of 5 for FAR
- 1283 159 Magnolia 32 363-364 9/24/2015 carried applicant warned only 5 members maybe present
- 1283 159 Magnolia 32 363-364 10/22/2015 dismissed Applicant did not show
- 1283 159 Magnolia 32 363-364 5/26/2016 carried architect came, but not applicant
- 1283 159 Magnolia 32 363-364 6/23/2016 cancelled applicants did not attend

At the request (by Email) of the applicant, the application was carried to the March 22, 2018 ZBOA meeting.

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1323 Ilan Doron 27 Clark St Block 194 Lots 7

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	28	25.2'	
Side Yard Abutting/Lot	15 ft	14.9'	12.3'	2.7
Other Side Yard	20 ft		12.3	7.7'
Combined Side Yards	35 ft	31.8'	24.6'	9.4'
Rear Yard Set Back	30'	30.7'	32.3'	
Max. Livable Fl.Area FAR	(variable) 33.78%		34.4%	0.62%
Lot Frontage	100 ft	78.73'		Tech
Lot Depth	100 ft	95'		Tech
Bldg Coverage %	20%	25%	22.1%	2.1%
Impervious Coverage	(variable) 32.1%	32.7%	34.2%	2.1%
Height	28 ft	17.8'	27.7'	
Lot Area.	10,000 sq.ft	7,479sq.ft		Tech
Driveway from Prop. line	10'			

The applicant would like to construct a new family home. He is requesting an FAR Variance. He is before the Zoning Board for an FAR variance. He will apply for his other variances at the Planning Board. The application was carried from the January 2018 meeting at the request of the applicant.

Mr. Raul G Mederos of Imagen Architecture LLC was sworn in and gave his credentials. **Mr. Mederos** testified the property is in the R-10 zone where 10,000 sq.ft is required lot size, we have 7,479 sq.ft., about ¾ of the requirement. The lot shape is non-conforming. The lot width requirement is 100' while we have 78.73' width / frontage. The current house is 1 ½ stories, built approximately 1950. It has a one car attached garage. The house is currently non-conforming in terms of one of the side yards and the combined side-yards requirement. We are proposing is a new construction. The house is supposed to be 54.2' wide where the current house is 47' wide. We are including in the design a typical first floor and second floor. The first floor has entry hall, living-room, dining-room, and family room, kitchen, mud-room and a 2 car attached garage . The second floor has a total of 4 bedrooms and a laundry closet. The variances involved are a combined side-yard variance, where the requirement is 35', we're proposing is 24.6'. The FAR is quite modest what we are seeking. Based on the sliding scale, the requirement is 33.78% for a lot of this width, and we are proposing 34.4%, which is about 2/3 % over the requirement- it amounts to 48 sq.ft. We tried to make everything work to conform towards the FAR requirement. The house, as designed, is 2,574 sq.ft. Just within 2 blocks, there are 3 other houses that I have done. All those houses, of course were on non-conforming lots, they were a little bit larger than this one., and were able to have a little bit more square footage there. On this particular lot, to get what we would normally be expected to include in a house here , it was a little bit of a challenge and so this 48 sq.ft does carry a good amount of importance for the design to work. In terms of the FAR that's focusing . of course all of its interweaved and related- the width and shape of the house., the relationship between the rooms . All of that has a part into the size of the house here. I don't want to get into it in too much detail. Unless any one has a question.

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Ms Furio asked you are saying that its about 48 sq.ft which is causing the overage of 0.62% in the FAR ?
Mr. Mederos said exactly.

Ms. Furio said there is no specific point where you can say that it was this or that part that is causing ... just the overall ?

Mr. Mederos said there is kind of a specific part and it all came down to the family room. We had this house working in terms of FAR, but the family room, I felt, wasn't proportionate to the house with the types of rooms we have here. These rooms have to be a certain size and thus the house ends up being a certain size. Then, because of that, the space the family ends up using the most, the family room, will just be a little bit on the smaller end and would not match up with everything else we have going here. Part of the family room is connected to the flow to the foyer and so a good portion of the room is not furnish able or usable. So it becomes double duty, it is also a corridor, and all of that eats away at the space. So it was a requirement to get at least a decent size for the family room, so that ultimately it could be used properly and would seem as a movable space. It may not amount to much in the grand context of the bulk of the house and on the exterior, but the additional square footage makes a huge impact on the size of the space itself inside.

Mr. Corona asked this is new construction- tearing down the old house ?

Mr. Mederos said yes, that's right.

Mr. Corona asked are you keeping the foot-print of the old house ?

Mr. Mederos said no, we have the site plan. On the engineer's drawing, the red outline is what is proposed, and there is a light grey line where you can see a side-yard dimension of 16.9' on the right side, and on the left side 14.9'. Those are the set-back dimensions of the current house. All that will be removed and this will be new construction.

Ms Furio said so it's the bump-out of the family room that's the extra piece because, you are saying, of the corridor which goes from the corridor.

Mr. Mederos said yes that's a part of it. The garage needs to be a certain size and we have a 20' by 20' garage. I have seen garages that are smaller and usually these are created in conditions when I am doing an addition or alteration and it just is what it is. When we are building a new house, a 20' by 20' garage is just base standard.

Ms. Batistic said the width of the foyer is 6.4' ?

Mr. Mederos said yes, and its kind of narrow, but the thing that kind of gives the allusion of more open space are the big trim openings on either side into the living room and dining room and the type of center hall. So all of these rooms borrow space from each other.

Mr. Merzel said the 48 sq.ft. that you need, you would have needed to cut out in order to avoid the FAR variance, would be split among the 1st and 2nd floor ? What change would you have to make to the outline- would you have to cut off 25' off each floor ?

Mr. Mederos said the effect of the family room that extends to the right side is about 18' on the outside, that carries up to the master bedroom. 18' times 2 that's 36. That is about 1 ½ ' which is where the bump-out happens. If this were to run straight now, the master bedroom would lose a 1 ½' which would make it 12' wide. As a personal guideline, I try not to make a master bedroom less than 13 1/2' wide, in the smaller dimension. It would just be wrong to make that master bedroom any narrower..

Mr. Kassis said keeping in mind that this is a R-10 zone, and on the street there were some examples of larger homes on larger lots. There are larger homes on larger lots for a reason. Your proposal was not to get into details that the side-yard encroachment which personally, is not being addressed tonight and the fact that there is new construction. I find it difficult to understand how taking out a foot along that side, or a foot and a half, and doing some reconfiguration without having to do that, which would minimize the over-all foot-print of the building and diminish that, how that's not doable with a blank canvass.

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1323 Ilan Doron (cont.)

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You have been in front of this board with far more difficult non-conforming lots, and been extremely successful in providing a plan that met most of the town's criteria, and very often need only a very small adjustment to the Zoning ordinance. But here we are starting from scratch, and you are proposing that there is no possibility of changing side-yard encroachment which would reduce the ratio, or making any changes. It seems that this plan, came from another place, and was plopped here, and that's just how it fits. It doesn't seem within the character of plans that you have brought before us.

Mr. Mederos said so I do always try to make these things as conforming as I possibly can. Throughout the house, rooms need to be a certain size: like bathrooms should not be narrower than 5', kids' bedrooms, here and there are 11 ½ by 12 ½ and 11 by 12. There's rooms downstairs, a living-room and dining-room which are about 12' wide. The dining-room is only 13' long, its an 8 person dining table. I hope from my past appearances, that you believe that I did try to crunch the values as best as I can, and of course to make things simpler and to reduce our risk. We want to avoid as best as we can -otherwise I would definitely have started by avoiding the variance for FAR altogether. Especially since it's a dual variance. Those houses on larger lots with these room sizes... but now with a smaller lot, that becomes more of a challenge. I have done similar small projects but there are different circumstances, different arrangements of the lot. Just having a narrower lot affords us more FAR because of the sliding scale. Here we have a lot that is less deep and wider which works against us in terms of the FAR...

Mr. Kassiss said there is no difference of narrow or deep or wide. The depth of the lot is not a challenge as it relates to the FAR.

Mr. Mederos said obviously the depth of the house is related to the lot size. The FAR is based on the percentage of the lot size, and the width also comes into play because the way Cresskill's ordinance defines FAR is based on a sliding scale that has to do with the width of the property, so if we had a 100' wide width, the FAR requirement would be tougher.

Mr. Kassiss said that's why we have an adjusted sliding scale to deal with that. That was put in place specifically to create a fair and workable scenario for smaller lots. That has already been factored into the sliding scale you are working with. That's what I based my previous statement on- its already been factored in.

Ms. Furio said the Combined Side Yards, you have a variance of 2.7' on one side, and 7.7' on the other. Again, if you are starting with a clean slate, like Glen says, is there any room for maneuvering that 7.7' variance on this Combined Side Yards- whether to reconfigure...

Mr. Mederos said if we look at the wings on the first floor that are creating the width of the house as designed . We'll start with the garage, it's a two car garage, it's the minimum that I could provide for a new house, then we have the dining-room and living-room that are both 12' wide for a balance in symmetry on the inside and outside. Since those 2 rooms are shallow, they cannot be any deeper because of all these requirements, I think 12' is appropriate, otherwise those rooms just feel too tight. The foyer is barely over 6' wide. The front door just gives us a single door with some side lights and a nice decorative trim around it and that goes right against the side walls of the foyer. So that part is crunched in terms of width as much as possible. And now, we are opening out into the family-room, because, as I mentioned, that room is just appropriate size in the context.

Mr. McCord said could you give us more background as to who is the owner of the property, what their circumstances are, do they have 3 kids- what is the situation.

Mr. Mederos said I will pass that question to the owner of the property.

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Mr. Ilan Doron was sworn in.

Mr. Doron testified the house is built for a 3 kids family with basic need like. We build a couple of houses already in Cresskill and that's the smallest one that we ever build. Also consider the size and everything so what we are trying to do is to make it as nice as we can for a 3 kid family house.

Ms. Furio asked so this is for you ?

Mr. Doron said this is investment property.

Mr. Van Horne said could you tell us about the immediate neighborhood – houses on the side and behind.

Mr. Mederos said based on the civil engineering plan, prepared by Chris Lantelme, we can see that the property in question has a corner lot on the left side and a similarly sized lot on the right side. There is only 4 houses, or lots, from intersection to intersection on the street. By looking at the plot plan, the houses on Brookside are slightly deeper.

Mr. Van Horne asked in your opinion is this lot suitable for the size that you are proposing including the FAR variance.

Mr. Mederos said so one way to look at that: the house isn't going to be a rear yard set-back line, so it affords in the design a decent back-yard, outdoor living space, and we are providing some nice depth on the front area to give definition to the house on the front. The foyer, we are giving closets on either side, which give the appearance of a wider center foyer. The depth of the closets creates a nice in and out, where its more a 3-D effect. There is a decent back-yard, its not completely at the front-yard set-back. I think that minimizes or reduces the apparent bulk and makes the house softer and appropriate.

On the right side because there is, with the combined side yard in consideration, it would be one side that has the 15' requirement and the other one with 20'. If the 15' requirement is on the side of the family-room, the side-yard encroachment is really only about 2 ½'. While on the garage side, the garage is maybe 60% of the depth of the overall house of the part that encroaches more than the right side. The garage that is shallow. On the 2nd floor bedroom, over the garage, doesn't go all the way over to the end of the garage. So the garage is a one story encroachment that is only 60% deep of the entire house. It's the smaller part of the house that encroaches, so because of that it appears as a one story on that side and isn't going to seem so bulky and take away as much light and air from the neighboring properties.

Ms. Furio said even though the garage is just a little piece, behind it you've got the generator and the 2 A.C pads and an egress. That whole section appears to be filled up with stuff as part of the bulk. Even though its close to the ground, there are the 2 pads and generator on the side. So it seems to be following the line of the garage all the way into the house. Its not a clear shot.

Mr. Mederos said looking from the street you don't see the mechanical equipment- its shielded by the garage.

Ms. Furio said I understand, but I'm considering the side view.

Mr. Mederos said one thing that we can really do to address that is maybe to egress window well towards the rear which kind of hurts the property's back-yard. But we can then get the mechanical equipment to be more against the mud-room part of the house and get that a little further away from the west side neighbor. We are willing to adjust, if it makes more sense.

Mr. Kassis said, in regards to the set-back. You talk about affecting the back-yard. You have room to go into the back, that you haven't utilized, so that you could basically maximize the back-yard for your client at the sacrifice of the side-yards, at whatever percentage that equate to the fireplace. While inside the house, could be put on the outside of the house, which wouldn't affect your Side-Yard variance . But, yet you decided to carry the whole length of the face of the fireplace which extends that room significantly. I think there is options here. It pains to look at a blank slate, see room, like for instance the 30' set-back . You are not even utilizing the typical 30' that is in the R10 zone. Personally. I see that there is options

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here for reconfiguring this piece of property. While may not be the exact design, there is other options, and to come in front of the board when there is other options and ask for a variance for new construction is somewhat troublesome.

Mr. Mederos said I agree with you. If I could, I would have taken advantage of the fact that we do have space available in the back and leave the house narrower. The reality was that, this isn't just one blob that we can just manipulate based on the exterior. The rooms on the inside are what dictates how the house ends up taking shape. So a center hall, such as this one, then you start with the 2 car garage, the dining-room, foyer and the living-room....then you have the living-room and dining-room in tandem with the foyer mixed in that, and it kind of snaps (*using the plans Mr. Mederos explained the constraints in the design*) there really isn't a middle ground, otherwise we would have definitely proposed that and gone in that direction, but with the configuration of the rooms and the relationships that they have to have with one another, if we would have found a middle ground we would have completely gone in that direction. I have found a similar house where again the dining-room and living-room are one in front of the other. That design is about 55' deep. All of a sudden we are about 5' to 7' over the rear-yard set-back, that means less than 25' are rear-yard. Its kind of forced and then it also affects the neighboring property at the rear. In terms of light and air, I think the back-yard should be the more open space for families to have a private area to be outside. In this case, if we had more depth in the lot, that design would have made sense and the house would have been deeper.

Ms. Batistic said if you reduce the family-room and don't bump it down, it will not work. Master-bedroom would not work downstairs, you couldn't do anything ...

Mr. Mederos said that's the tough part.

Mr. Mederos, using the plans, explained that by re-arranging the downstairs rooms he could reduce the side-yard variance, but still have an FAR , and the upstairs bedroom would be less than 13 1/2').

Ms. Batistic asked if there was no way that the master-bedroom suite could be reduced.

Mr. Mederos said if we move the bedroom over by making the closet and laundry smaller, it would no longer function as a walk-in closet- which is fine- its not ideal but given trying to make things work. But if you look up from the entrance now, the first experience folks have with the house and its an emotional connection that folks need and it's a bad design decision if you look up and there is just jogging in the upper floor area- it just doesn't line up. Its doable but all these decisions to reduce the size of the house come with consequences and sacrifices. The way I see it, it would be a shame to have that. Its 48 sq.ft its really is a small impact on the exterior. More so that the family room only extends to the right side at the back of the house.

Mr. Mederos, using the plans, explained how the fireplace could be moved and said that it would just hurt the house.

Mr. McCord asked why do you need 4 bedrooms ?

Mr. Doron said in this area is based on 4 bedrooms. If you do 3 bedrooms, the value of the property is substantially cheaper. You reduce the price substantially.

Mr. McCord asked how many bedrooms did the original house have ?

Mr. Mederos said we should not base what we are proposing on the old house built in the 1950's- almost 70 years ago.

Mr. Kassis said the question was directed at your client. You said that all houses have 4 bedrooms, that is not a true statement.

Mr. Doron said most of the new houses being built now are 4 bedrooms, specially in this kind of size of houses and specially in the price point that the new houses in this area are going right now.

Mr. Kassis said so the most part based on price.

Mr. Doron said yes.

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Mr. Kassis said thank-you, I have no further questions.

Mr. Mederos said I would just like to add that price is also related to what folks expect. If you see there is a considerable drop, I guess its because folks in this part of town are not looking for a houses that only have 3 bedrooms on the second floor..

Mr. Kassis said that is conjecture. You are making statements for people that aren't in the room. We are listening to the application. We have heard testimony. You can't testify for people, who are not here, are looking for. You can only testify to the application. Your client made a statement that its based on the money, and therefore the decision to request this application is based on financial need.

Mr. Van Horne said I think he can testify as to market conditions.

Ms. Furio asked is there anybody else on the board with questions or comments related to the application as presented ?

Mr. Van Horne said with the amendment that the egress will be to the back of the house and that the mechanicals will be moved closer to the house.

Ms. Furio asked is there anyone in the audience for or against the application with the amendment as stated ?

Ms. Furio asked would someone like to make the motion to approve or deny the application as presented ?

Ms. Furio asked the applicant you are sticking with what you got, right?

Mr. Doron said yes.

Ms. Furio asked would anyone on the board like to make the motion to approve or deny the application as stated with the mechanicals moved in and the egress window moved around to the back...

Mr. McCord made the motion to deny

Mr. Kassis seconded.

The application was denied by 4 to 3 votes.

1324 James Lee 35 Oak St Block 85 Lot 97

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	30.1'		
Side Yard Abutting/Lot	15 ft	5.3'	16'	
Other Side Yard	20 ft	12.4'	12.23'	7.77'
Combined Side Yards	35 ft	17.7	28.23'	6.77'
Rear Yard Set Back	30'	62.8'	49.3'	
Max. Livable Fl.Area FAR	(variable) 39%	26.8%	40.99%	1.99%
Lot Frontage	100 ft	50'		TECH
Lot Depth	100 ft	136.38'		
Bldg Coverage %	20%	23.98%	24.67%	4.67%
Impervious Coverage	(variable) 35%	40.88%	37.50%	2.5%
Height	28 ft	28.3'	27.9'	
Lot Area.	10,000 sq.ft	6814 sq.ft		TECH

The applicant proposes to construct an addition.

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1324 James Lee (cont.) 35 Oak St Block 85 Lot 97

Mr. Mark D. Madaio (29 Legion Dr., Bergenfield NJ 07621) introduced himself as attorney representing the applicant.

Mr. Madaio said he will review the characteristics of the application. The property is 50' wide where 100' is required. The lot can only support a house lawfully that is 15' wide. It is physically impossible to build a house on this lot at a conforming width. We have not made the rear and the side-yard variances any worse. We have kept them exactly what they are now and, in fact, intentionally did not further incur into the side-yards. The property is about 6,800 sq.ft and 10,000 sq.ft is required. That makes it about 68% of the formal size required. The property is not a clear sheet of paper it is an addition. The property is not a spec. house or My client is a resident of Cresskill and will remain a resident of Cresskill. The principal purpose of the application is not because they desire to add significantly to a small house on a grossly under-sized lot, it is because they have an elderly mother coming to live with them. Again, to whatever weight you give, those fact patterns which I just heard responded to in the prior application. The house, as existing, we will show you, this is the existing house we will talk about....We are referring to the Jan. 23 plans . There was a cycling set of plans with more variances which *we sort of softened to prey creating way no need to go through the process of talking that down...the FAR is less than cut in half.* The property has a small home area. The small home has a ... floor in the back. This application proposes the back of the existing house take the single floor, that's currently there, add a 2nd floor. Go ahead a few feet add a 2 floor addition to the back. So we are leaving the existing house, very substantially...textual modifications of course. Taking the single floor section of the existing house which is the section behind the existing house, taking it up to the 2nd floor.... and then to the back of it all adding a 2 floor addition. Mr Santini will explain that much better than I. But the bottom line is there is...(*Mr. Madaio summarized the plan*) That application incorporates different things, one or two of which I should tell you more. The existing house has a side-yard variance on a single side where it is only 5'. We sucked the entire addition in, so that the entire addition is 12' on the other side that jumps back something like double that 5', you'll have Mr. Santini tell you. It is not our intention to try to continue what was a really tight side-yard there to begin with. We brought it back, the entire rendition, from the existing non-conformity. Martin will give you the exact numbers. Number 2, significantly, the 3 real variances we need, are easy to think about. The first of these is the Maximum Building Coverage. The Maximum Building Coverage as a result of this application is going to increase 43 sq.ft . Martin will tell you where it is, how it works. The actual Building Coverage is existing at 1,499 sq.ft compared to 1,542 sq.ft. It will increase 43 sq.ft. Again, if you take 5' by 8', it's the size of this table- that's how much additional Building Coverage we have. The maximum FAR is permitted at 39%, we will be at 40.99%, effectively 41%, that is 125 sq.ft over. So the entirety of our FAR variance is 125 sq.ft. In exchange for that, or in the process of doing that, the final number, which I think is a significant number, is the Impervious Coverage. Impervious Coverage is currently 360 sq.ft. too much which is to say its 2,555 sq.ft rather than 2,107 sq.ft. We are taking of that 360 sq.ft of Impervious Coverage, we are dropping it down to 211 sq.ft. So we are getting rid of about 150 sq.ft of the existing overage of the Impervious Coverage, So that is a trade-off we are trying to make. So, a little bit higher on Building Coverage, a little bit higher on FAR, way lower on Impervious Coverage, Side-Yard sucking in to avoid, and you know the existing non-conforming issue with the lot. We will still have a 40' rear yard, because our rear yard now is 60'. That is the problem with this lot, it is only 50' wide, half the width required but it is approximately 140' deep- it's a long skinny lot. A long skinny lot is very difficult to do much with a house, but we have not visited those issues upon our neighbor by lessoning our side-yards. Having said all that, Mr. Santini, I would love if you make sense of what I said to you.

Mr. Martin Santini was sworn in.

Mr. Madaio said first off. Was everything I said the truth ?

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1324 James Lee (cont.) 35 Oak St Block 85 Lot 97

Mr. Santini said absolutely.

Mr. Santini *displayed a photograph and marked it A-1*

Mr. Santini said this is a photograph I took last Saturday.

Mr. Kassis said this should be A-3 because we have A-1 and A-2.

Mr. Santini said I have another exhibit which is the 4 wall location sheet that I will hand to you.

Mr. Madaio said the one car garage will stay a one car garage.

Mr. Santini said yes.

Mr. Santini said this is an exhibit that I prepared of the existing condition of the residence at 35 Oak St, The top row of the photograph is actually the front portion of the house . The first photograph in this row illustrates the existing house and its neighbor which is approximately 15' apart. The idea of this whole development, is part of the Merritt development many years ago. Camp Merritt was the jumping off point for the troops going down to fight our enemies. The original house is part of that whole development that was part of the military and I believe those were all veterans' housing. The existing architectural character is pretty nondescript, as you can see. It is a modest two story high house with really no architectural character, so to speak. The rear portion of the house, where Madaio explained what we are doing, by pushing that piece and adding a piece on the top, is pretty self-explanatory as to the architectural character of what exists. The last photograph, is a photograph of the existing rear yard. The two outdoor shed buildings will be removed as part of this application.

Mr. Madaio said the photographs on the lower left corner, so that's the back of the house which is the two story portion of the house, and that one story portion which projects forward that's going- our proposal is to put another story on top.

Mr. Santini said and then the addition beyond that.

Mr. Madaio said perfect.

Mr. Santini said it is interesting to point out that on the north side of the property is where we have the 12.4' and as Mr. Madaio said that is not being encroached in any way shape or form, nor is the other side, the garage side, being encroached any further. That is now 5.3', and only goes to the length of the garage. So the house is back to approximately 16' on the southerly side. Now I would like to go to our Site Plan Position sheet.

Mr. Madaio said so that the addition and the portion behind the house in fact is conforming as to each side yard and is conforming to the total side yards'

Mr. Santini said correct.

Mr. Madaio said everything we're building is conforming.

Mr. Kassis said the sheet is A-4.

There was a discussion between Board members and Mr. Madaio as to the labeling of the sheets.

Mr. Santini said This sheet has been submitted to you. What I'm going to do is describe what this sheet consists of. Lets talk about the elevations because I have a whole sheet that will explain what the elevations are. The first diagram in the middle of the page is the key map and that orients us as to where this house exists on Oak St. between Engle and E. Madison Ave and its dissected by Center St. This is a modest single family house in the R-10 zone, and there are a lot of similar houses to the Lee residence that are adjacent to this particular property. This is a property, the lot is 50' wide and 136.38' deep in depth, its 6,814 sq.ft in total area which is insufficient...non-conformity in the 10,000 sq.ft R-10 zone. So the proposal is that the existing 1 ½ story frame structure will remain. There is a proposal to have just the existing one car garage for this house, but we are going to add some pervious pavers to the side to accommodate 2 vehicles, one for both of the owners. The other thing that we are going to be talking about basically is that there is an existing walkway adjacent to the out side of the house and that's the portion where the house is tightest to the property line, and that goes back to approximately 15 ½ feet. The rest of

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the house has a greater side-yard dimension. So then we have the one-story element that's going to be pushed out in the back, that you can see on the floor plan. Then we have the 2nd floor addition that's over top of the existing structure that we have as part of the house. Now this sheet also has all of the zoning data and the zoning information. I'd like to come back to that after I explain to you the concept of the entire plan. The next diagram are the floor plans, this is marked A-2, it is a series of floor plans. One is the Basement Foundation Plan, and it clearly illustrates the foundation addition that projects out. There is also going to be a new Utility room with a new boiler, new hot water heater and mechanical elements. There is an existing washer and dryer at the basement level and will remain at that particular location. Now we come to the first floor plan. On the left side of the page is the existing one car garage that's going to remain, and I've marked the property line in red, and I have marked it at a quarter of an inch the dimension away from the existing property line which is the existing portion that is non-conforming and that is the 20' length of the garage, that is only 5.3' away from the property line. The balance of the house after the garage including the addition is actually 15' 6" away, although we don't have the total of 35', we do have the 15'6" and 12.4' or almost 28' in total side yards. So the right side of the house has 12.4' side yard and the balance of the house, other than the garage, is 15' 6". So the bulk of the house really has sufficient light, air and open space. So on the first floor, the new bedroom that is 13' 6" in length. Its going to have a bathroom and a closet, and its going to have access to a new pervious pavement deck for the elderly parent that's going to be moving in with Mr. and Mrs. Lee. That bedroom is 15' by 13' and as you can see its rather modest. The interior configuration of the existing kitchen, dining and eating area and its all one big family-room kind of environment. There is no separate dining-room, there is no separate living-room. Its really an open environment that will be a flexible space for the family to live. Now on the front porch the ... is set back already, its 30.10' that the house is currently set back from the front yard property line. We are eliminating just a 25 sq.ft small little marble entry foyer and we are adding the porch and the proper steps, 2 or 3 steps that come up to a landing and then to the entrance to the house. That also translates to the 2nd floor. The same vertical element will be on the 2nd floor and does not interfere with the .front-yard set-back. Now, the 2nd floor (*Mr. Santini described the lay-out of the 2nd floor : the existing stairs, an existing bedroom over the garage, another existing bedroom, proposed additional bathroom, office study area, master-bedroom suite*) That is the configuration of what we are doing as it relates to adding. Now on the 2nd floor, we are already on the 1st floor structure, so we only knew a portion of this project will be this piece that projects out 13', and this piece is the master-bedroom which will be set-back which only projects out, I believe, 9'.

Mr. Santini distributed drawing marked A-4.

Mr. Santini said this drawing will be marked with today's date. This diagram has the full exterior elevation through out the house.....The house has a modest contemporary look for this particular property. I think that what that does with the shapes and new roof, it actually providesmore air and open space to the adjacent property. The elevation that faces the east, we have the existing one-car garage, we have the bedroom that's existing that will be above that, we have the entrance where above the door will be a side light, a canopy that provides cover from the elements, and then the vertical element that is above that 25 sq.ft addition that we have, which will be in the required area of the house. Second floor we'll have the bedroom window and then on the ground floor we'll have the front window that will face the porch and part of the family living-room. Going to the right side, the north elevation, you will see a couple of steps up to the house.....the existing portion of the house, which is already built. Then we have the 2nd floor addition over the existing 1st floor, this is a little complex to explain, but the dotted area here is really what will be over the existing portion of the 1st floor. The addition will be from this line behind and that is exactly what Mr. Madaio presented. The bottom of the diagram is the rear elevation which is a very modest contemporary looking part of the structure. The exterior of that bedroom will be multi-

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colored stucco (*Mr. Santini described the materials to be used for the exterior of the addition*) we will have a real nice interplay of materials as it presents itself to the street. The rear portion is going to have the bedroom for Mrs. Lee's mother. At this level here there will be a large room built for her bedroom. There are a couple of steps down to the ... area. The left elevation, the south side, the proposed addition and then the dotted area is the actual 2nd floor addition almost within the existing 1st floor structure. So this is a very modest addition to this house, and Mr. Madaio explained to you, we do have variances that we respectfully request.... Even though we made the side yards bigger, they are still not conforming. We are not increasing the amount of the variance, in fact we are making the amount of the variance less, but you are increasing the quantum of the building at depth, deeper at the back. I refer to your council, I think that is a technical variance. I don't think that anyone thinks there is any harm done by making that house structure dramatically wider than the side-yards.....The maximum FAR is 39% in the 50' lot is 2,437 sq.ft the proposed FAR is 2,562 sq.ft which is a modest increase of 125 sq.ft. which is what we are asking for. So our variance instead of 39% as required is 40.99% for this particular R-10 zone. The existing Impervious Coverage of 2,555 sq.ft., we cut that down to 2,344 sq.ft. yielding a variance of 2.5%, basically 250 sq.ft in overage. We were required to use the 125'. If we used the 138' there would not be a variance. I would just bring that up to the record. I had this 125 sq.ft. limitation and I was being educated to that fact by the chairperson and I appreciate learning about that. The other variance we are asking for is the Maximum Building Coverage which is 20% of the lot, we do have a 2.6% increase in the actual maximum Building Coverage. These are the 3 variances that we are respectfully requesting. As you know, the variances have to go with the benefits and detriments as part of the rules of the Land-Use Law.

Mr. Santini argued that the application be granted because of hardship imposed by the undersized lot. He quoted text from NJ Zoning and Land Use Law, Chap. 36. He further claimed that the design of the addition would enhance the neighborhood)

Mr. Santini said let us not forget that the purpose of this application is to provide for an elderly person, Mrs. Lee's mother who is going to be living with them in their, which is admirable for anyone to do.

Ms. Furio asked anyone on the board have any questions or comments related to the application as presented by Mr. Santini ?

Mr. Corona asked about the reduction in the height.

Mr. Santini said the existing is 28.3' and will be reduced to 27.9'.

Mr. Kassis asked the FAR is over by how many square feet ?

Mr, Santini said 1.99% or 125 sq.ft. It relates to the modest size of the room that's being provided for the mother.

Mr. McCord said I would like to say for the record that the design of this house was nicely contoured to the property.

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

Mr. Merzel asked is there anyway to eliminate the Impervious Coverage ? I know you are reducing it. The driveway is staying the way it is ?

Mr. Santini said it's the intent to leave it that way. However I believe that with the improvements, that we could seriously consider pervious pavers on the driveway. I'm getting a nod from my client that we would definitely to do that to eliminate that variance.

Mr. Van Horne said please explain what you are going to do.

Mr. Santini referred to A-1. On A-1 there's an approximately 10' by 30' driveway that's existing. Right now it is black topping.... We respectfully request that we match it with the pavers that we are proposing and make it all pervious so that eliminate that...

Mr. Santini, at the board's suggestion, agreed to amend the application.

Mr. Merzel asked how much would the Impervious Coverage be lowered ?

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Mr. Santini said approximately 300 sq.ft. We are now only 150 sq.ft over.

Mr. Merzel asked in percentages ?

Mr. Santini said we are 150 sq.ft over now, so we are eliminating the variance. My client is agreeing that that's what we should do.

Mr. Merzel asked in the back are there any plans for a seepage pit ?

Mr. Santini said not at this time.

..... *several persons spoke at once...*

Ms. Furio asked are there anymore questions from the board regarding the application now amended with the pervious driveway, which would remove the variance of Impervious Coverage from the application?

Mr. Madaio said with pervious pavers coverage counted as zero , do we get full credit for pervious ?

Ms. Furio and Mr. Van Horne said yes.

Ms. Furio asked would anyone on the board like to make a motion to approve or deny the application as now amended ?

Mr. Kassis made the motion to approve

Mr. Corona seconded.

The application was granted.

Mr. Madaio requested that the resolution included the statements that though the application side-yards are less than the existing, they were still non-conforming by the expansion of a non-conforming structure

1325 Michael Lam 28 Oak St Block 87 Lots 188

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	34.2'	29.5'	
Side Yard Abutting/Lot	15 ft	10.1'	15.2'	
Other Side Yard	20 ft			
Combined Side Yards	35 ft	44.4'	38.2'	
Rear Yard Set Back	30'	62'	50.5'	
Max. Livable Fl.Area	(variable)			
FAR	33.78%	14%	32%	
Lot Frontage	100 ft	78'		Tech
Lot Depth	100 ft	125'		
Bldg Coverage %	20%	14%	17.46%	
Impervious Coverage	(variable) 32.1%	30%	36.3%	4.2%
Height	28 ft	22.86'	27.4'	
Lot Area.	10,000 sq.ft	9,750 sq.ft		Tech
Driveway from Prop. line	10'			

The applicant would like to construct an addition.

The attorney for the applicant requested that the application be adjourned to the March 22 meeting because the architect was not present.

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Memorializations

The applicant was granted the following variances to construct a covered porch and patio.

1319 Frank DeCarlo 273 Magnolia Ave Block 136 Lots 293-297

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot Other Side Yard	15 ft 20 ft			
Combined Side Yards	35 ft			
Rear Yard Set Back	30'			
Max. Livable Fl.Area FAR	(variable) 30%			
Lot Frontage	100 ft			
Lot Depth	100 ft	'		
Bldg Coverage %	20%		25.6%	5.6%
Impervious Coverage	(variable) 30%		33.05%	3.05%
Height	28 ft			
Lot Area.	10,000 sq.ft			

The applicant was granted the following variances to construct an addition..

1321 Sejong Park 29 Crest Drive South Block 92.05 Lot 22

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft			
Combined Side Yards	35 ft			
Rear Yard Set Back	30'		26' to porch landing	4'
Max. Livable Fl.Area FAR	(variable) 35.22%			
Lot Frontage	100 ft	60'		Tech.
Lot Depth	100 ft			
Bldg Coverage %	20%		22%	2%
Impervious Coverage	(variable) 33.40%			
Height	28 ft			
Lot Area.	10,000 sq.ft	6,300 sq.ft		Tech

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Memorializations Cont.

The applicant was granted the following variances to construct an addition..

1322 Liron Bensusan	344 11th St.	Block 14.02	Lot 13	
Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard abutting/Lot	15 ft		14.7'	0.3'
Other Side Yard	20 ft		15.8'	4.2'
Combined Side Yards	35'		30.5'	4.5'
Rear Yard Set Back	30'			
Max. Livable Fl.Area FAR	(variable) 35.22%			
Lot Frontage	100 ft	75'		Tech.
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	(variable) 32.40%		32.82%	.42%
Height	28 ft			
Lot Area.	10,000 sq.ft			

Other Business Re-organization

Mr. Kassis made the motion to maintain our current board officers.

Mr. Merzel seconded.

The resolution was passed by unanimous vote.

Meeting adjourned at 9:25 pm