

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 7:30 pm  
Minutes Apr. 22, 2021**

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**Present in Person:**, Mr. Kassis, Ms. Batistic, Mr. Cleary,. Mr. McCord, Ms. Schultz-Rummel, Ms. Bauer (recording secretary)

**Present by ZOOM:** Ms. Westerfeld, Mr. Jack Van Horne (Board Attorney),

**Absent :** Mr. Corona

**Mr. Kassis** hosted / directed the ZOOM.

**Mr. Kassis** chaired the meeting on ZOOM..

The meeting was called to order at 7:43pm. to accommodate adjustments required by ZOOM

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

The March minutes were approved by Ms Rummel and seconded by Mr. Cleary.

*NOTE: Because of the feed-back echo from ZOOM, the recording was difficult to understand.  
Italics are used to indicate that an interpretation was used instead of the exact words.*

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**The following application #1378 was carried from the March 25, 2021 ZBOA meeting**

**B 102 L 52**

**Mr. Van Horne** said Mr. Capizzi are you going to have a witness to testify ?.

**Mr. Capizzi (attorney for the applicant)** said yes. Mr. Tom Skrable (architect) will testify. He was sworn in and testified at the March hearing.

**Mr. Van Horne** said you are still under oath Mr. Skrable .

**Mr. Skrable** said Mr. Chairman could I have the authority to share my screen.

**Mr. Kassis** agreed.

**Mr. Van Horne** said Mr. Capizzi we are not going to have you repeat the testimony on all of the issues pertinent to the application. I would ask that you direct the witness to testify just to the changes that have been made to the application.

**Mr. Capizzi** said understood.

**Mr. Capizzi** said good evening Mr. Chairman and members of the board- Matthew Capizzi on behalf of the applicant. This was a project that was before the board about a month ago on March 25.

We took you through the proposed pool and patio improvements that are part of this application.

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**1378 Brian Glantz (cont.)**

**488 12<sup>th</sup> Street**

**B 102 L 52**

After hearing some commentary from the members of the board, we have revised the plan in essentially 3 principal ways. We have taken the Impervious Coverage number down by approximately 2.3%. There was a previously requested Rear Yard Set-back variance to the pool, which has been eliminated, and then with a variance of set-back between the dwelling and the pool, which I believe is required to be at 15', we were previously at 8.8. We have now increased that separation to 11.3. So essentially two variances were reduced and one variance was eliminated. Certainly by virtue of increasing the Rear-Yard Set-Back. Now we have some existing plantings that are along the rear property line. I should say some. The rear property line is heavily planted with evergreen landscaping. There was a prior concern that the proximity of the improvements to that landscaping may compromise it, or cause it to be trimmed back in some regard. Now that we have increased the separation between the proposed improvements and the landscaping, there should be no concern that there will be any infringement on that, but Mr. Skrable can speak to it. Essentially those are the changes that we made....we did file a reply for plan set, reflecting those changes and that has been on file for at least 10 days prior to this evening.

Tom, you heard my summary, anything else that you can expand upon that briefly.

**Mr. Skrable** said yes. Basically we eliminated the variance at the rear, by narrowing down the pool by 2'. So now its a typical pool of 800 sq.ft. with 20% less than that we are 16 by 40. We ..... that was offset from the pool and slid it into the pool to create that 11.3 foot set-back to the home. That was 8' approximately in the prior version. We eliminated the lower patio, we eliminated the fire pit, thats where we got the bulk of the square footage because the pool water area would not change the Impervious Coverage number. We also trimmed all the other patios by minimal and nominal amounts, but we did trim all the other patios going around the pool area.

**Mr. Capizzi** asked any concerns with potential impact on the existing evergreens that exists along the rear ?

**Mr. Skrable** said at this point I don't think that we even have to trim, plant them and put them back. They just can stay in place through out construction. Some other thing I should mention, we left the drainage as it was on the last version. So now we are actually storing more water relative to the amount of Impervious Coverage that we have, as compared to ....we are storing more water and we have less Impervious Coverage but the same amount of storage.

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

**Mr. Kassis** asked is there anyone on the Board that has any questions for the applicants ?

Gail do you have any questions for the applicant ?

**Ms, Westerfeld** said no. Actually, the only thing I wondered what happened with your concern the last time with the Fire Truck getting moved by ?

**Mr. Skrable** explained that the proposed distance from the pool to the house had been increased from 8.8' to 11.3'. The basic code requirement might be 15 . But the practical requirement, that I think we kind of had consensus at the last meeting, was a minimum of 10..

**Ms, Westerfeld** said I can't really hear him.

**Mr. Cleary** asked if that was approved by the Fire Dept. ?

**Mr. Skrable** said no. It was sufficient distance to set up a ladder. My sense from the last time was .....there is always going to be obstruction in going around a house. This will eliminate any in the area that we can control.

**Mr. Kassis** asked is there any other questions from members of the board. None seen.

Is there anybody here in the audience, for or against the application that would like to be heard ?

Record shows that no one responded.

I appreciate the improvements made to this application.

I would like to ask the Board for a motion to either approve or deny the application.

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**Ms. Rummel** seconded.

**The application was granted.**

**Mr. Kassis** said that the resolution would be presented to the Board at the next meeting for approval.

**The following application #1375 was carried from the March 25, 2021 ZBOA meeting.  
At the time of mailing the April 22, 2022 agenda, the revised changes that the applicant had agreed to  
were not received**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	28.3'	28.3'	
Side Yard Abutting/Lot	15 ft	19.33'	5.75'	9.25'
Other Side Yard	20 ft	14.5'	14.5'	5.5'
Combined Side Yards	35 ft	33.8'	20.25'	14.75'
Rear Yard Set Back	30'	48.7'	33.7'	
Max. Livable Fl. Area (FAR)	35.94%			
Lot Frontage	100 ft	50'		ENC
Lot Depth	100 ft	105'		
Bldg. Coverage %	20%			
Impervious Coverage variable	33.7%			
Height of Bldg	28'			
Lot Area	10,000 sq.ft	5,250 sq.ft		ENC
Min.Driveway side-yard	10'		1.4'	8.6'

## Soohyon Kim proposes to construct an addition with a garage

**Mr Kassis** introduced the application carried from the March meeting.

**Mr. Van Horne** asked Ms. Kim did you amend your application ?

**Ms. Kim** said yes , I submitted the picture and the elevation to the board.

**Ms. Bauer** said that the amendment was received last Friday.

**Ms. Kim** said that she delivered the amendment to Boro Hall and was told to leave it in the box in entrance hall. That was on Monday or Tuesday.

**Mr. Van Horne** said Ms. Kim, first of all, any changes to the application, or anything else that you want to submit for the Board to review, is supposed to be received by the Board 10 days before today.

**Ms. Kim** said right, I thought that

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**1375 Seongsoon & Soohyon Kim (cont.)                      9 Crest Drive South                      B 92.05    L 27**

**Mr. Van Horne** said so if you delivered the documents on Friday the 16<sup>th</sup>, that's not 10 days before.

**Ms. Kim** said not 10 days. I dropped it off, I'm not sure it was Monday or Tuesday, the 12<sup>th</sup> or 13<sup>th</sup>. I called to make sure that they pick it up..... from the front.

**Mr. Van Horne** asked does the Board have the new material ?

**Mr. Kassis** said we have not looked at it yet. The problem that we see. Did you submit any changes to the documentation. We have pictures and we also have a ..... view of the changes, some of which were discussed, but the Board needs to vote on specific variances, and looking at last month in comparison to this month they are exactly the same.

**Ms. Kim** said yes. The reason..... last month garage was short ...not projecting the back of the house which is currently about.....that I propose. So the drawing that I am showing you for this month, shows you that the length of the garage is reduced. So the variances should be.... about the Side-Yards variance and the driveway. And also you mentioned that the garage. I made a garage and I made also a second floor above the garage. Because its too big a structure and maybe doesn't allow air, ventilation and the sunlight.....I made it one floor. All those variances that I am asking for stays the same. I'm just making the garage with a first floor and then making sure the Side-Yards stay the same.

**Mr. Van Horne** said Ms. Kim I just want to remind you that you are still under oath from last month. Do you understand that to be the case ? You are still under oath.

**Ms. Kim** said yes.

**Mr. Van Horne** said OK, and the testimony that you gave before I asked you that question was true and accurate ?

**Ms. Kim** said yes.

**Mr. Kassis** said I'm looking at your application from last month, which says that the side-yards, and the front – yard, and the rear-yard.....I do see where the changes are. It appears, that while there are some dimensions here, and there is no plot plan. The foot-print has not changed from your last application ?

**Ms. Kim** said its a foot lower where the garage is. *Ms. Kim used the picture.* This elevation becomes this elevation. So its not a thick, full wall anymore.

*Discussion between Mr. Kassis and Mr. Van Horne regarding the new documents submitted.*

**Mr. Kassis** said we have to grant specific variances or adjustments to the variances. This is the Board of Adjustments.

**Ms. Kim** said yes.

**Mr. Kassis** said the difficulty is when you have applications. For instance in your case, that the Floor Area Ratio is not listed. We don't know what your current Floor Area Ratio is. So if you remove a room on the top of the floor. If you remove this living space above the garage, that would reduce the Floor Area Ratio. Yet we don't know what the Floor Area Ratio started at, or is now today. So we cannot vote on this application without this information,

**Ms Kim** said the Building Dept. told me that I need to only write down the information about the variance so that's why I put the side-yards and the combined yards, also the driveway. And the Building Dept. says we need the variance for only those and nothing else. And also that's why I started those variances., but FAR...the existed.

*Mr. Kassis consulted with Mr. Van Horne*

**Mr Kassis** said we must conclude from the information in front of us that the FAR is compliant.

*We will consider approving the application tonight. If other variances are needed, that are not listed, the applicant may have to come back.*

**Ms. Kim** said understand.

**Mr. Kassis** said OK lets focus the Board.

**Mr. McCord** said you cut off the extra on the back-end. Right?

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**1375 Seongsoon & Soohyon Kim (cont.)                      9 Crest Drive South                      B 92.05    L 27**

**Ms Kim** said right

**Mr. McCord** said you didn't only cut off the top floor of the garage, you also trimmed it by 8' . Right ?

**Ms. Kim** said right. The garage is..... and there is no 2<sup>nd</sup> place. yes

**Mr. Kassis** said the only change is the 2<sup>nd</sup> floor and length of the garage, everything else remains the same.

**Ms. Kim** said yes.

**Mr. Kassis** asked Gail do you have the application from last month so you can see the changes ? This area has been reduced.

**Mr. Kassis** showed the changes to the other members of the Board.

*Mr. Kassis consulted with Mr. Van Horne.*

**Mr Kassis** asked that he is asking the Board for a motion for or against the application, as per the submitted changes to the garage, subject to review by the Building Dept .

**Mr McCord** made the motion

**Ms. Rummel** seconded.

**The application was granted**

*Mr. Kassis explained to Ms. Kim that the Resolution for her application would be reviewed by the Board at the May meeting. A copy of the resolution would be submitted to the Building Dept Official for his review to confirm that there are no additional variances.*

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**Memorialization**

**1376 Anecia Manaiza & Everton Blair**

**3 Meadow St**

**B 68 L 1**

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Front Yard Set Back	40 ft	35.2	42.5	
Side Yard Abutting/Lot	15 ft	22.7'	18.58'	
Other Side Yard	20 ft		20.08'	
Combined Side Yards	35 ft	60.1'	38.66'	
<b>Rear Yard Set Back</b>	<b>50 ft</b>	<b>112.75'</b>	<b>35'</b>	<b>15'</b>
Max. Livable Fl. Area (FAR)	25%	9.75%	21.27%	
Lot Frontage	100 ft	115'	115'	
Lot Depth	150 ft	100'	100'	<b>ENC</b>
Bldg. Coverage %	16.67%	10.14%	13.45%	
Impervious Coverage variable	30%	19.93%	22.28%	
Height of Bldg	28'	15.5'	27.58'	
Lot Area	15,000 sq.ft	21,003 sq.ft		
Min.Driveway side-yard				

**The applicant was granted the above variances to construct a two story addition with a garage on an irregular lot.**

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**Memorialization**

**1377 Anirudh Modi**

**194 8<sup>th</sup> St.**

**B33 L 357**

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Front Yard Set Back	25 ft	25.17'		
<b>Side Yard Abutting/Lot (deck)</b>	<b>15 ft</b>	<b>10.66' + 11.11' exist / 13.33' New</b>	<b>13.33'</b>	<b>1.63'</b>
Other Side Yard	20 ft			
Combined Side Yards	35 ft	21.77' exist	38.9'	
<b>Rear Yard Set Back (deck)</b>	<b>30 ft</b>	<b>18.08'</b>	<b>18.08'</b>	<b>11.92'</b>
<b>Max. Livable Fl. Area (FAR)</b>	<b>39%</b>	<b>50.04%</b>	<b>50.04%</b>	<b>ENC</b>
Lot Frontage	100 ft	50'		ENC
Lot Depth	100 ft	100'		
<b>Bldg. Coverage %</b>	<b>20%</b>	<b>28.52%</b>	<b>31.52%</b>	<b>11.52%</b>
Impervious Coverage variable	35%	41.86%	41.86%	ENC
Height of Bldg	28'	27'	27'	
Lot Area	10,000 sq.ft	5,000 sq.ft		ENC
Min.Driveway side-yard				

**The applicant was granted the above variances to construct a to construct a deck.**