

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 7:30 pm  
Minutes Jan.28, 2021**

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

**Present by ZOOM:**. Ms. Batistic, Ms. Westerfeld, Ms. Furio, Mr. Corona, Mr. Cleary, Mr. McCord, Mr. Jack Van Horne (Board Attorney),

**Absent:**

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

**Ms. Furio** chaired the meeting on ZOOM..

The meeting was called to order at 7:36 pm. to accommodate adjustments required by ZOOM

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

The October minutes were approved by Mr Kassis and seconded by Mr. McCord.

**Applications**

**1371 Alexander Krayniy**

**251 Brookside Ave**

**B 4 L 14**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	26.4''	No change	
<b>Side Yard Abutting/Lot</b>	15 ft	24.2'	No change	
<b>Other Side Yard</b>				
<b>Combined Side Yards</b>	35 ft	71'	No change	
<b>Rear Yard Set Back (accessary Bldg)</b>	5'	<b>24.1' (deck)</b>	<b>3.9'</b>	<b>1.1'</b>
<b>Max. Livable Fl. Area (FAR)</b>	30%	12%	No change	
Lot Frontage	100 ft	131.5'	No change	
Lot Depth	100 ft	94.5'		<b>ENC</b>
<b>Bldg. Coverage %</b>	<b>20%</b>	<b>16.5%</b>	No change	
<b>Impervious Coverage variable</b>	<b>30%</b>	<b>22.4%</b>	No change	
Height of Bldg	28'	20'	No change	
<b>Lot Area</b>	10,000 sq.ft	12,632.4 sq.ft		
Min.Driveway side-yard	10'			

**Mr. Krayniy is before the ZBOA. The pergola was installed without permits nor Zoning approval. He is seeking the above listed variance and any others deemed necessary.**

**Mr. Robert Murphy (architect) represented the applicant.**

**Mr. Robert Murphy** was sworn in

**Mr. Murphy** described the requested variance. The proposed Rear Yard Set Back is 3.9' with a variance of 1.1'. The applicants were not aware of the required set-back and it would be very complicated to rectify the set-back. What we need is relief for 1.1'.

*Because of the feed-back echo from ZOOM, the recording was unintelligible.*

**Mr. Van Horne** asked Mr. Murphy to repeat his last sentence.

**Mr. Murphy** explained that turning the pergola would result in a larger variance- the least variance is 3.9'.

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**1371 Alexander Kravniy (cont.)                      251 Brookside Ave                      B 4 L 14**

**Mr. Murphy** said the stone retaining wall in the rear separating the properties, makes the view from the neighbor in the rear a little less of the pergola which is only 12 ½ ‘ high.

**Mr. Murphy** showed pictures of the pergola to the committee members on ZOOM.

**Mr. Murphy** explained that’s the rear property, here is the retaining wall with some foliage on it, and the property is 5’ or 6’ lower than the rear property. It has a roof on it basically to keep the rain out. It was built over an existing patio...Its very visual, very appealing to look at.

**Ms. Batistic** asked has a portion of it been built to the slope of the back-yard ?

**Mr. Murphy** said yes it slopes up the rear a little bit. It has the footage below frost, so its all built to code- very strong.

**Mr. Murphy** said that’s correct. Its built over an existing patio that was there.

**Ms. Furio** asked and it has a concrete wall around it ?

**Mr. Murphy** said correct. Like a sheet wall basically with a counter top on top of it for dining, for sitting.

**Ms. Furio** .....*could not interpret recording*

**Mr. Murphy** said correct. Unfortunately when they constructed, they didn’t realize they needed a permit, so they built it without a permit, unfortunately. Yes, we are seeking variance relief, relief from a variance from a property set-back.

**Ms. Furio** said right ....*gave explanation of why pergola was 3.9’ from property line*

**Mr. Murphy** said that’s 100% correct.

*A lot of noise*

**Ms. Furio** said is there anyone in the audience for or against this ?

**Mr. Kassis** said No.

**Mr. Van Horne** said Mr. Murphy , when we were trying to get started, I couldn’t quite hear things and I got distracted. Were you a licensed architect in the state of NJ ?

**Mr. Murphy** said yes I am.

**Mr. Van Horne** said please tell us about your experience and background quickly.

**Mr. Murphy** said I graduated from the N.Y Institute of Technology in Manhatten, and I got my license in NJ in 1987, and I am licensed in NY state in 1992.

**Mr. Van Horne** asked and you are in good standing in NJ ?

**Mr. Murphy** said yes.

**Mr. Van Horne** said your testimony is accepted as an expert witness.

**Ms. Furio** said there is no one in the audience. Is there any one on the Board with questions or comments regarding the application ?

**Mr. Kassis** said nothing.

**Ms. Furio** said would someone like to make a motion to grant or deny the application as presented ?

**Mr. Kassis** said I make a motion to approve it as submitted.

**Mr. Kassis** said Kathy Schultz-Rummel seconded.

**The application was granted**

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1372 Adam Burlison

46 Crest Drive South

B 92.04 L 12

Description	Required	Existing	Proposed		Variance
Front Yard Set Back	25 ft	30.5	24.1'		0.9'
Side Yard Abutting/Lot	15 ft	9.5	11.4'		3.6'
Other Side Yard	20'		18.8'		1.2'
Combined Side Yards	35' ft		30.2'		5'
Rear Yard Set Back	30 ft	43.6'	43.6'		
Max. Livable Fl. Area (FAR)	39%	26%	37%		
Lot Frontage	100 ft	60''			ENC
Lot Depth	100 ft	115'	115'		
Bldg. Coverage %	20%	16%	18%		
Impervious Coverage variable	34.9%	25%	30%		
Height of Bldg	28'	22'	27.5'		
Lot Area	10,000 sq.ft	6900 sq.ft			ENC
Min.Driveway side-yard	10'				

**Mr. Mark Madaio is before the ZBOA. He is representing the owners, they propose to construct a 2<sup>nd</sup> story addition.**

Mr. Cleary recused himself because he is a friend of the applicant's neighbors.

Mr. Madaio said he would try to be relatively brief.

Mr. Madaio adjusted the easel for presentation via ZOOM.

Mr. Madaio introduced himself. His office is on Legion Dr. in Bergenfield. He is here in regard to B92.04 L12 46 Crest Drive South. The subject property is a 1 ½ story, what I would say is small colonial, that many of us remember as used to be mostly Cresskill. That property and the existing condition, I've set forth on A-1, which I've taken a moment to mark. I understand it's a little awkward because not everyone has that, nor can see it. I'm going to trust the fact that everyone on the board knows the small un-redeveloped homes on Crest Drive North and South. This is one of the old ones. It is a 1 ½ story small box cape. If it was in New England it might be called a salt box, but it is one of the small ones. My client proposes the following. The back of that house has 2 on either side of the back porch 2 open areas. My client seeks a 1<sup>st</sup> floor addition to square that off with the existing protruding back porch. My client then seeks to put a 2<sup>nd</sup> floor exactly on top of the 1<sup>st</sup> floor, that requires no additional variances. In other words, we are not adding any more variances here, whatsoever. We are simply taking a 2<sup>nd</sup> floor, adding it on the exact same walls and foot prints as the 1<sup>st</sup> floor, with a small exception which I will get to. That, technically speaking, as I'm sure Mr. Van Horne will tell you, is the expansion of a non-conforming structure. It is a relatively technical variance. We are not seeking to make any variance worse or to change any variance. We, just by going to the 2<sup>nd</sup> floor, place more of the structure at variance. So, in order to make sure, and again because of the circumstances, we're in a little bit, the minimum side-yards' requirement is 15', one of our side-yards is 11.4', when we build the 2<sup>nd</sup> floor on top of the 1<sup>st</sup> floor, that's going to be 11.4', no more, no less. One of our side-yards, the other side-yard, is supposed to be 20', right now its 18.8' to the house and 9.5' to the garage. When we do our addition, its going to be 18.8' to the house, because the 2<sup>nd</sup> floor is going to sit on top of the 1<sup>st</sup> floor. Metaphorically speaking, if you take 2 sheets of













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**Annual Re-Organization 2021**

**Ms. Furio** said in January there is always a little bit of housekeeping to be done. Normally we go by who's the Chair, who's the Vice, who's the Recording Secretary etc., etc. This year I'm stepping down as Chair and moving over to take Dean's place over in the other Board . I want to nominate Glen to move up as Chair.

If anybody wants to throw their hat in the ring otherwise, I think we can vote on that.

We still have a Recording Secretary and we have an open position for Vice-Chair.

Glen do you have anything that you would like to add.

**Mr. Kassis** said I would like to thank-you for your service. Its been a pleasure working with you these years. We may not have agreed every single time.

**Ms. Furio** said but that was the best part. Right ?

**Mr. Kassis** said right. So I thank-you and I do accept the nomination. I look forward to serving the community.

**Ms. Furio** said is that acceptable to everybody, shall we take a vote on that ? Bobbi can you do a roll-call.

*(because of a ZOOM problem, it was agreed that members give a thumb-up (visible on the screen) for a 'yes vote.)*

**The vote (Thumbs-up), was unanimous to accept the nomination for Mr. Kassis as Chair.**

**Ms. Furio** asked is there someone in the Ring there going for Vice.

**Mr. Kassis** said I've been thinking who has been here the longest. Margit you've been here quite a bit. If you'd be interested I'd nominate you.

**Ms. Batistic** said yes, sure.

**Mr. Kassis** said I nominate Margit. She has accepted. Is there anyone else want to consider ? Nobody at this point.

**Ms. Furio** said I think Margita will be a great asset.

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

**Mr. Kassis** said Thumbs-up for everybody.

**The vote ( Thumbs-up), was unanimous to accept the nomination for Ms. Batistic as Vice-Chair.**

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

**Mr. Kassis** asked are there any other positions we have fill ?

**Ms. Furio** said Secretary is Gail . So, I guess if that's OK. So we can just continue with that. Gail if that works for you ?

**Ms Westerfeld** agreed.

**Ms. Furio** said fine . That works for Gail. Thumbs up for Gail.

**The vote ( Thumbs-up), was unanimous to accept the nomination for Ms Westerfeld as Secretary.**

**Mr. Kassis** said don't we give Jack a Thumbs-up too ?

**Ms. Furio** agreed

**The vote ( Thumbs-up), was unanimous to accept the nomination of Mr. Van Horne as Board Attorney.**

**Mr. Kassis** said as a point of clarification, Gail is the Secretary, Bobbi is the Recording Secretary.

**Mr. Kassis** said we have to approve the Budget.

**Ms. Furio** said I looked at the budget and it looks fine. Someone has to sign it.

**Mr. Kassis** said that he will sign it.

Everybody don't forget that you have to fill out your Oath page. It has to be done in front of a notary. Don't forget to stop in town, or go to your local bank, or somebody, and get it over to the Clerk's office. The Oath page was in the packet.

*There was discussion among Board members as to who got the packet.*

**Mr. Kassis** said it might be just for people whose terms are up.

**Ms. Furio** said that would be you and me.

**Mr. Kassis** said right. That's why you and I got it.

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

**Ms. Furio** said I want to thank you all I've had a great almost 20 years. I'll miss you guys. I'm sure I'll see you around.

**Meeting was adjourned at 8:21 pm**