

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

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

**Absent :**

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

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

The Sept. minutes were approved by Mr. Cleary and seconded by Mr. Corona

**Applications**

**1385 Ori & Ziv Dermer 105 Heather Hill Rd B 1.03 L 34**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	n/a	25.2'	
Side Yard Abutting/Lot	15'	n/a Left side	15.3 Left side	
<b>Other Side Yard</b>	<b>20'</b>	<b>n/a Right side</b>	<b>16.7 Right side</b>	<b>3.3'</b>
<b>Combined Side Yards</b>	<b>35'</b>	<b>n/a</b>	<b>32'</b>	<b>3</b>
Min. Rear Yard	30'	n/a	30.1'	
<b>FAR</b>	<b>34.32%</b>	<b>n/a</b>	<b>36.1%</b>	<b>1.78%</b>
Height of Building	28'	22'	27.5'	
Lot Frontage	100'	75'	75'	<b>enc</b>
Lot Depth	100'	100'	100'	
Bldg. Coverage %	<b>20%</b>	<b>n/a</b>	<b>24.1%</b>	<b>4.1%</b>
<b>Impervious Coverage variable</b>	<b>32.4%</b>	<b>n/a</b>	<b>39.1%</b>	<b>6.7%</b>
Lot Area	10,000 sq.ft	7,500 Sq.ft		<b>enc</b>

**The applicant proposes to construct a new single-family house on 105 Heather Hill road**

**Mr. Matthew Capizzi Esq.** introduced himself as attorney for the applicants.

**Mr. Capizzi said** that this project concerns an existing building lot on 105 Heather Hill road that we are seeking to essentially to resolve with a single family home. The lot itself is 75' in width and 100' in depth. Because of the undersized nature of the lot as to width and having 75' where 100' is required, and having only a 100' in depth where the ordinance anticipates 125' in depth, we essentially need variances in 2 separate categories. Because of the under-sized nature

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as to width, we need side set-back variances to this proposed new home. This variance permission is not new to the lot, the existing home is non-conforming, as to the side-yard set-backs, and the proposed new development will actually increase those side-yards set-backs, from what exists in the field. There will be a reduction of that non-conforming position. And then, the balance of the variances are attributed to Building Coverage, Impervious Coverage and FAR. The FAR being 130 sq.ft in excess of what's allowed, and then Mr. Raul Mederos will go through the other extent of deviations .....and all those variances relate to the fact that the lot is undersized in area, as Mr. Mederos will testify to in the moment. That is essentially the application in a nut shell. We understand that should the Board vote favorably on this application, we would be going to the Planning Board for Site Plan approval. And essentially, this application before the Board this evening is to deal with the FAR variance and the Bulk variances and the ..... And should we obtain approval here, we know there is a phase 2 that we know we will have to undertake.

Raul, is the only witness this evening, he has the textual plans, that we can look at tonight.

**Mr. Raul Mederos** (architect) was sworn in, and gave his qualifications. He has testified before the Planning and Zoning Boards multiple times.

**Mr. Capizzi** said Raul, you have a plan set on the easel there, could you just give us. Could you just give us the identification of that document and the most recent revision date.

**Mr. Mederos** said there is no revision date. There are 3 pages. The first page includes the Zoning calibration, the Site plan, and the Cellar Floor plan. The second page has the first and second floor plan. The third page has all the elevations.

**Mr. Capizzi** said thank-you. Can you tell us about the existing property.

**Mr. Mederos** said sure. Its a one-story ranch and one car garage. Excessively wide with relation to required set-backs.....I think the combined side-yards is 21' where 35' is required. Really stretching the width.

**Mr. Capizzi** said on lot of 75' width.

**Mr. Mederos** said the code does not care how wide the lot is in terms of the 35' combined requirement, and that being the case, and this being only 21', in terms of the combined yards we are making an improvement.

**Mr. Capizzi** said excellent and as far as the depth of the lot, I had mentioned in my opening its 100' in depth, that's correct?

**Mr. Mederos** said it was 100'. A pretty typical proportioned lot in my experience.....

**Mr. Capizzi** asked can you take us through the proposed re-development plan?

**Mr. Mederos** said sure. The construction, single-family home, two car garage. The plans should be a little familiar solution for a bit sized property. The challenge is the 35' combined side-yards. Trying to fit a proper two car garage and entry foyer and a living-room, at least, facing front.....so that the entire house is not all garage and all entry way- so we have to kind of extend a little bit. If we were to conform, not only would we have to stretch excessively to the rear, but again it would be very ominous, in fact it would be only garage and entrance. Offering the feature to have the living room, let alone the fact that this allows a living space to enjoy the street view.

**Mr. Capizzi** asked and what kind of set-backs do you end up with under this orientation?

**Mr. Mederos** said we are a little shy of the Combined Side-yards. We are at 32' where 35' is required. And its only mostly the one-story garage that encroaches. And in this particular design

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we have included a one foot over-hang where the garage is extending over the set-back line. Whereas the rest of the rooms are a little bit more than a foot.

**Mr. Capizzi** said I apologize I miss-spoke earlier. Getting the side-yards to comply.

**Mr. Mederos** said we have Front Yard set-backs, individual Side Yard set-backs on both sides, with the exception of the mechanical equipment on the left side, and the Rear Yard set-back conforms.

**Mr. Capizzi** said so its just the Combined Side Yard set-back is approximately 3' shy.

**Mr. Mederos** said correct. On the building envelope we're non-conforming by 3' in terms of just the combined Side-Yards.

**Mr. Capizzi** said so the prior existing condition was shy by combined Side-Yards by 14' and here we are approximately 3'.

**Mr. Mederos** said thats right. 35 minus 21.

**Mr. Capizzi** said Thank-you. Can you take us through the core plan itself, please.

**Mr. Mederos** said sure. As I mentioned earlier the main driving factor for the width of the house being 43' over all. As we get beyond the one story garage we are conforming, on the set-backs, with the remainder of the house at the rear. You know , what you'd expect from the 1<sup>st</sup> floor plan is no bedroom on the 1<sup>st</sup> floor. Sort of center-hall , except that the Living and Dining room are all on one side. We continue through to the casual Family-room, open to the kitchen, very typical in today's expectation to build a new home in this area. Coming through the garage, we filter through a Mud-room very close the kitchen. Kind of a mold that I try to achieve whenever I have the challenge of solving a floor plan. Second floor : four bedrooms, a Master bedroom suite, towards the rear, which we try to achieve for privacy off of the street . There are 3 kids bedrooms, there's one here, bedroom 2, and 3 and 4, they share a Jack and Jill bathroom. There's a laundry near the master bedroom.

**Mr. Capizzi** said as for the elevations, can you take us through those, please.

**Mr. Mederos** said sure. On the first floor plan, we have the 2 car garage, the main entrance way which is several heights. Again for the initial impression of the house, they have a nice several heights foyer . Similarly the living-room is double height, and again in consideration of the fact that this .....is the large contributing factor to the combined side-yards here, with the garage on the one story. We are seeking that over-hang at one foot. The side-yards have to extend back. At the rear, we have the Family room, patio, that come out to the back yard.

**Mr. Capizzi** said excellent. Can you take us through the Site plan and show us where all this is occurring.

**Mr. Mederos** said starting from the front, standard 20' wide driveway for a 2 car garage. We are of course aware that Impervious Coverage is limiting us in terms of what we would tend to have for a house like this. So, we are making a 20' wide driveway in the front. Stepping stones or tiled half way to really minimize the walkway that leads to the back-yard off of the driveway. Patio that comes off of the Family room and kind of lines up with the pool..... which conforms in terms of the required set-backs for a pool . And given the limitation of the lot, the essentially small patio is tractable in back. The pool is 10' by 20', its kind of based on your required set-back of a pool. We have top 15' requirement of the edge of the house to the edge of the water. We have 5' requirement from the edge of the water to the rear set-back line and 15' on the side. So that being the case its kind of sandwiching the actual water area. As far as the pool size again,

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we end up aligning the edge of the house with the patio pavement with the pool to have some kind of definition.....

**Mr. Capizzi** said issues such as drainage and grading etc will be addressed when we appear before the Planning Board. Correct ?

**Mr. Mederos** said correct. I have a lot of faith in the engineer that will be on the scene

**Mr. Capizzi** said Thank-you. I have nothing further Mr. Chairman.

**Mr. Kassis** asked anyone on the Board has a question ? None heard.

**Mr. Kassis** said I have a question. The Impervious Coverage variance is 6.7%. Approximately how many square feet is that over the permissible ?

**Mr. Mederos** said it works out to be 500.

**Mr. Kassis** said 500 square feet ?

**Mr. Mederos** said yes.

**Mr. Kassis** asked is there any possibility of shaving that down in any way ? Taking a foot off the back or something ?

**Mr. Capizzi** said I feel that I would like to see if we could just take it out of the patio. If we take some depth out of the Patio.

**Mr. Mederos** said that would make it very long and narrow and not very usable that way. But, if we made it more square it still would retain some functionality as far as the patio goes.

**Mr. Capizzi** said could you give us some idea of what modifications we can make ?

**Mr. Mederos** said I just want to have the door to be able to connect to the other side of this patio here, and then we could justify it with the edge of the house here. Rather than doing this, I would much, I think it would work better, let's say, if it came in this way. ...have the patio door as close to the kitchen as possible..... So the 22' maybe reduced to 18'. ..... *Made calculation... 7% of the total footage.*

**Mr. Capizzi** said could you tell us the foot-print of the house ?

**Mr. Mederos** said the foot-print of the house is 1809, that includes the front entry way. All the areas are counted in the number.

**Mr. Kassis** said my concern is if you reduce the patio, you make it unusable

**Mr. Mederos** said you could put a table and walk around it. We kicked around the idea of modifying the driveway, to narrow it up a little. We decided to keep it at that width, to provide a realistic opportunity to get the cars off the street and on to the property.

**Mr. Kassis** said now, you have the mechanical equipment and the emergency generator, in particular. Why is it projecting closer to the side-yards than the air-conditioner ? I know those units don't need any significant clearance in order to be installed.

**Mr. Mederos** said there are some units, I believe, that are able to be located closer to a house than the majority. But the majority of generators need to be 3' from non-combustible material. Which is essentially the siding of the house, the edge of the house, and 3' from an alarm bell. And so, we positioned them directly behind the chimney area, because behind the chimney we have the windows and the family-room. So on the angle we achieved the 5' clearance on the generator. Being that most of these products have these requirements.

**Mr. Kassis** could you show the side-yards, the side view where the generators are ?

**Mr. Mederos** said we have the egress window out here. In Cresskill the chimney is allowed to encroach into the side-yards, up to 5' wide, but it needs to be cantilevered. So, the chimney has

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no foundation its kind of suspended above the ground, but in front of this is where the generator would be, and then the mechanicals have different clearance requirements, they are typically 10” required from the wall of the house, and 20” from each other. Those are the air conditioner units. **Mr. Capizzi** asked is there some screening we did along the wall by the property line to *camouflage* those units ?

**Mr. Mederos** said yes, we never like to look at mechanical equipment, so vegetative screening is a first go to.....

**Mr. Capizzi** said so we can provide a small variety there ? Maybe, seven or eight foot of planting. Was that in the plan ?

**Mr. Kassis** said I don’t see any window on the garage. Its a closed area there. Being so close to the neighbor without any architectural aspects to it.

**Mr. Mederos** said yeah, I agree with you. I always propose a window in the garage, and working, not on this project in particular, for a home owner, but working with developers , they always ask me, “take off the window in the garage” in consideration of the cost, so I kind of automatically left it off. So I’ll be happy to include it. I’m always including it. It has a natural reaction in my house.

**Mr. Kassis** said its not for approval tonight.....but the window looks better there.

**Mr. Mederos** said I agree with you.

**Mr. Kassis** said OK, are there any other questions for ...

**Mr. Corona** said along that line there’s vegetation all along the right side of the house. Is that on their property or the neighbors’ ?

**Mr. Mederos** said the last time I was there, when we first met, we started talking about the project, that was in July . At the time we weren’t really paying such close attention.....we were thinking about how we could solve a new project on the property. I have to check .....

**Mr. Corona** said ....I see that it is close to the garage side. If there was no window there, the neighbor would staring at the wall, There could be a line of bushes there.....

**Mr. Capizzi** said I think its our intention . The portion of that landscaping on the easterly side, to the extent that its our property, can remain, and we are going to complete that. Because there is a portion of the vegetation that’s on the neighbor’s piece, some of it is on our piece. But its our intention to complete that ever-burning row all the way down the property line on both sides, both the left side-yard and the right side-yard.

**Mr. McCord** said I have a question, also, regarding the generator. How close is the house on the left side. *The neighbor’s house.*

**Mr. Kassis** said according to Section 9, Block 33 its 22’ plus or minus on Lot 35 its 22’ that’s the proposed structure to the existing structure, or the existing structure to the existing structure,

**Mr. Capizzi** said I do know that the structure to the left, the closest structure there is their one car front-loading garage in their driveway. So the most impacted portion of that house is their driveway and their garage . As far as the separation is concerned.

**Mr. McCord** said my concern is that a generator is quite loud and you are throwing it very close to the neighbor’s lot, and yet there is space in the back.

**Mr. Capizzi** said could we increase that set-back a few feet...

**Mr. Mederos** said if we were to shift all of this forward, you’d be able to kind of circle this around the side of the chimney that projects, so the chimney comes out 4 ½ ‘. So if we pushed the machines further forward , we kinda get it closer to the house by 1 ½ ‘. *Did calculations.*

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**Mr. McCord** asked would that leave enough clearance for the windows ?

**Mr. Mederos** said not really. We might consider changing the window arrangement. I tend to have windows on opposite ends of the dining-room to deal with.....painting or art-work next to the table, but rather than doing this we might be able to just do 2 windows together in the middle. Which might allow me to get the generators near. They have the diagonal dimension of 5'....

**Mr. McCord** said so you are proposing that change ?

**Mr. Mederos** said that could be done.

**Ms. Batistic** *asked about the set-back.*

**Mr. Mederos** said 10.3'.

**Mr. Kassis** asked if there were any comments or concerns with that number.

**Mr. Mederos** *expressed concerns about not complying with required clearances .*

**Mr. Cleary** said my personal concern is that you've got 3 A/C condensers and a generator fairly close to the neighbor, when you have 30' in the back next to the patio. Why cannot it be switched to that side ? to the back. Take all of that, and move it to the back.....Why does the noise have to be on the side of the house, when it could be in the back. Is there a rear-yard set-back requirement for the generator ?

**Mr. Mederos** said yeah, 30'. Right now the house is not there. If we replace it here. I don't know what the difference would be after we space all the units out from each other, as required. But it would be in the rear yard set-back now.....what we don't see is that the property line here defines the lot, there is of course a tax.....requirement here, but this is somewhat arbitrary in the property so you have the mechanical equipment somewhat right in the middle of the back-yard.....to conform to the set-back.

**Ms. Batistic** said I personally prefer the mechanicals on the side . Because on the side, especially if there is a garage there, it would be less intrusive then in the back if the people have their patio. I personally, I prefer and there is no requirement for the set-back of the mechanicals in the side-yard.

**Mr. Capizzi** said I think that there are enclosures that you can stick to a generator, that help further to reduce the noise that is kicked off the machines. A little cap that you put on top of the generator so its basically a noise path to help muffle the sound.

**Mr. Cleary** asked would you stipulate that that would be included in the installation ?

**Mr. Mederos** said I've seen one for air-conditioning units. It looks like a .....astro-turf coming up and it still allows that thing to breath. I think that's more a visual screening. I have a generator in my house. It has maintenance, and is schedule to run every 2 weeks for about 10 minutes. The schedule can be set for any time of day,. The only time it would run consistently, is when there is a power outage and hopefully the neighbors would be understanding of that....

**Ms. Batistic** said *and the other times they are running the generator .*

*Miscellaneous chatter among Board members about generators.*

**Mr. Capizzi** said may I have the floor Mr. Chairman ?

**Mr. Kassis** said sure.

**Mr. Capizzi** said may I *produce an example of the device.*

**Mr. Kassis** said sure any effort to diminish the sound would be appreciated by the neighbors.

**Mr. Capizzi** *displayed a picture of the muffler*

**Mr. Kassis** said let the records reflect that we saw a picture of the sound bending device that would be provided by the applicant.

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**Mr. Van Horne** said I want to be clear before the Board votes on the application'

You are going to stipulate the vegetative screen ?

**Mr. Capizzi** said correct.

**Mr. Van Horne** asked on which side is that ?

**Mr. Capizzi** said on both property lines.

**Mr. Van Horne** asked and you are going to stipulate to include a window in the garage ?

**Mr. Capizzi** said yes

**Mr. Van Horne** and you are going to stipulate to install sound baffling equipment on the generators ?

**Mr. Capizzi** said correct.

**Ms. Schultz-Rummel** asked if they were going to make the patio smaller.

**Mr. Kassis** said no, if they make it smaller, they can't use the patio for a table with chairs.

**Ms. Batistic** asked what is the square footage of the old house versus the new house ?

**Mr. Mederos** said I don't know if I have that information. I have to tabulate the shape in the computer. I can kind of roughly gauge it, give me a moment.

**Mr. Kassis** said any other questions for the applicant ?

**Mr. Corona** said I was driving by there today, and it looks like the neighborhood is in flux.

Where you have some houses that look like the current one, and a lot more that are big, with the big windows, big garage. *This plan* conforms to what is happening in the neighborhood at this point.

**Mr. Capizzi** said I would agree.

**Mr. Mederos** said westward of this house, I think there are 2 houses on this side, or 2 houses over, there are 2 houses that are similar with a 2 car garage and facing. One of them has the living-room in the front, similar to what we are proposing, here with the driveway, entry-way and living-room..... The other one, has a little narrow entrance on the side. I'm going to cross the street from those, which, again, are 2 houses left of this property. There is another similar house that has this sort of a pier on the front with the 2 car garage, entry-way and a living-room.

**Mr. Kassis** said Is there anyone in the audience, other than the applicants, I am assuming here are in favor of the application. Let the record show that there is nobody here from the neighbors.

**Mr. Kassis** said with that no other questions. Is there a motion from the Board either for or against based on the changes that have been memorialized by the attorney.

**Mr. Cleary** said I make a motion to approve.

**Ms. Batistic** seconded.

Roll Call was taken

**The application was granted.**

**Mr. Capizzi** said Thank-you all. Have a Good Night.

**Mr. Kassis** said if there is no other business before the Board can I have a motion to adjourn.

**Ms. Schultz-Rummel** made a motion to adjourn.

**Mr. Kassis** said Good-Night everyone. Remember the next meeting is Dec, 2, 2021.