

*Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 PM
Minutes Oct. 26, 2023*

Application

1418 Majid Syed & Deeba Patel 62 Merritt Ave Block 28.01 Lot 4

	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft.	25.5 ft.	25.5 ft.	
Side Yard Abutting/Lot	15 ft.	7.5'	4 ft.	11 ft.
Other Side Yard	20 ft.	9.6'	9.6'	5.4'
Combined Side Yards	35 ft.	17.1	17.1	ENC.
Rear Yard Set Back	30 ft.	28.3 ft.	28.3 ft.	ENC
Max. Livable Fl. Area (FAR)	34.2%	NA	NA	NA
Lot Frontage	100 ft.	75 ft.	75 ft	ENC.
Lot Depth	100 ft	100.7 ft.	100.7 ft.	
Bldg. Coverage %	20%	25.6%	25.6%	ENC
Impervious Coverage variable	32.4%	39.5%	47.7%	15.3%
Height of Bldg.	28/2.5 ft.	NA	NA	ENC
Lot Area	10,000 sq. ft.	7,558 sq. ft.	7,558	ENC.
Described Min. Driveway side-yard	10 ft			

A representative for the owners is before the Oct 26 Zoning Board for approval.

They would like to construct a pool / patio.

Mr. Mark Madaio esq introduced himself as representative for the applicant. His office is at 31 Legion Dr. in Bergenfield.

Mr. Mark Madaio esq said the property is in the 10,000sq.ft zone, but has about 7500 sq.ft. The only really significant addition to the property is the swimming pool. The only significant variance is the Impervious Coverage, and the variance for the distance of the pool to the house, not to the neighbors. Part of this project was to assure that the pool did not need a set-back. That meant that on this undersized lot the pool is a little closer to the house. So frankly, if we were neighbors, I would rather have the pool near the guy who wants it, than closer to my property. The other variance is for Impervious Coverage. I want to draw your attention to.....The maximum allowable Impervious Coverage is 32. The current Impervious Coverage is 39.5. So even if you did nothing, the Impervious Coverage would be over, and has been over, because of the size of the house.....*rustling of paper*.....How that big open body of water counts as Impervious Coverage.....

Mr. Kassis said I don't believe that is accurate. It does not count as Impervious Coverage. Just so that I understood you, just the edging is Impervious not the water itself.

(07 ;28)

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Mr. Mark Madaio esq said.....counted as Impervious Calculation or not. Catches water. It doesn't not catch water. Water that falls on a swimming pool stays there..... *the large amount of rain that fell in the last 2 months*. So, that is what we are here for. We are here for 2 variances Impervious Coverage and the *peer*..... because the pool which is too close to the house and so that we do not put it closer to the neighbor.

Having said that, I would like to have our engineer, Paul Gdanski,, discuss the matter with you. He has done the drawing, which you all have, which we have identified as Paul Gdanski.....

Mr. Paul Gdanski was sworn in, and gave his credentials.

Mr. Van Horne said we will accept him as an expert.

Mr. Kassis said I am not seeing any activity on the screen. Could you take that mike and pass it over there, and would you be so careful to speak as close to the mike as you can.

(9:21)

Mr. Madaio esq said Paul you have had the opportunity to draw up the floor plan on this property. Correct ?

Mr. Gdanski said correct.

Mr. Madaio esq said the property is approximately 75 by 100 ? And that's an under-sized lot ?

Mr. Gdanski said correct.

Mr. Madaio esq said the property is actually supposed to be 100 by 100.

Mr. Gdanski said correct.

Mr. Madaio esq said that's a pre-existing condition ?

Mr. Gdanski said yes

Mr. Madaio esq said the property right now has two existing variances. Was I accurate when I indicated that most of the variances here is in Impervious Coverage. Correct ?

Mr. Gdanski said that is correct.

Mr. Madaio esq said and how many are we permitted ?

Mr. Gdanski said we are permitted 32.4%.

Mr. Madaio esq said what do we have now ?

Mr. Gdanski said 39.5% .

Mr. Madaio esq said and what are we asking for ?

Mr. Gdanski said 41.1% .

Mr. Madaio esq said.....perhaps point out that we are 120', and you can check on that as an engineer.

Mr. Gdanski said yes, that's correct....

Mr. Madaio esq said but even as our Impervious Coverage goes up, what appears to be 39.5 to 41, the actual total increase of Impervious Coverage is 120 sq.ft. (12:01)

Mr. Van Horne said excuse me. So on our sheet, we have proposed 47.7 %. Was that calculation done with the....pool went against the Impervious Coverage ?

Mr. Gdanski said we submitted a previous set of plans that added that amount.

Mr. Van Horne said we have the *abridged* plans?

Mr. Madaio esq said you are looking at them.

Mr. Kassis said so the agenda has some wrong numbers.

Mr. Madaio esq said for 41.1% you need 8.7% .

Mr. Gdanski said Everyone of course is mindful that we currently have 39.5%

Mr. Madaio esq said correct.

Mr. Gdanski said then our increase in Impervious Coverage is 120 sq,ft (12:39)

Mr. Van Horne said so 1.6% increase.

Mr. Madaio esq said 1.6% increase. Which actually is a lot 25%

Mr. Madaio esq said was I also accurate, Paul, when I indicated that the only official variance was the minimum distance to the house which was supposed to be 15, correct ?

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Mr. Gdanski said correct.

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Mr. Madaio esq said and is actually 16.4. Correct ?

Mr. Gdanski said correct .

Mr. Madaio esq said if we were further from the house, we would be closer to the property line, and we would need variances for those. So for the first Letter of Denial that we have. We met and we made significant reductions. That's why we are presenting to you tonight with only two variances : the published variance and the distance of the pool,.....the distance is 29.83, the proposed is 31.03 sq.ft., and that comes out to about 120 sq. ft . Is there any way we could *wage* down. What is creating this 120 sq.ft ?

Mr. Gdanski said just the coping and the equipment pad.

Mr. Madaio esq said its not because we are putting in any patio ?

Mr. Gdanski said no

Mr. Madaio esq said we are not going crazy here.....The actual 120 sq. ft that we are, for is simply the coping around the pool. Have you seen pools without copings ?

Mr. Gdanski said no

Mr. Madaio esq said the coping is about 12" to 14" wide ?

Mr. Gdanski said 14".

Mr. Madaio esq said and how far....

Mr. Gdanski said 14 by 20" square.

Mr. Madaio esq said how much ?

Mr. Gdanski said 84

Mr. Madaio esq said 84 over 120 sq.ft. extra sq.ft is the fact there is a thing around the pool with a coping.....and you indicated that the balance of that additional square feet which is approximately 36 sq.ft is what ?

Mr. Gdanski said is the equipment pad.

Mr. Madaio esq said and where is that located ?

Mr. Gdanski said that's located right behind the house.

Mr. Madaio esq said so we are not putting that in the neighbor's yard ? Not in the side-yard. Right behind the house next to the Air Conditioning unit.

Mr. Gdanski said correct.

Mr. Madaio esq said so we are maintaining all of those things.....and not as some people might do, put them near their neighbors. And that makes up the entire..... extra storage.

Mr. Gdanski said correct

Mr. Madaio esq said And there is no way for us to make the property any bigger. Obviously.

Mr. Gdanski said no.

Mr. Madaio esq said so the question of the equipment pad in the current location. Does that mean that the Operating Pump will be in the best possible location for the noise impact on their neighbors ?

Mr. Gdanski said yeah, that's the Air Conditioning that serves a different role where you put it. (16.17)

Mr. Madaio esq said can you see that Miss Westerfeld ?

Ms. Westerfeld said no I can't.

Mr. Gdanski *pointed to the plan.* Its right here.

Mr. Madaio esq said I think its pulled out of the concrete pad.

Mr. Gdanski said it's a 4' by 8' concrete equipment pad.

Mr. Madaio esq and Mr. Gdanski *commented on the equipment pad.*

Mr. Madaio esq asked how many floor plans have you done ?

Mr. Gdanski said 100.

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Mr. Madaio esq said and in the 100 floor plans that you have done, in your opinion do you think that placing it closer to the house , closer to the center of the property, and in the back-yard is less detrimental and have less impact on the adjoining property owners ?

Mr. Gdanski said yes. 90 % of them are *grape-vine now*.....

Mr. Madaio esq said and that's the way not to do it.

Mr. Gdanski *agreed*.

Mr. Madaio esq said is there, again, other than the 120 sq.ft of coping and the concrete pad, which equipment has to sit on,.....machinery has to sit on some sort of pad. **(17.28)**

The additional is the distance between the pool and the house corner. Is that where that air-conditioning unit is ? Next to the concrete pad ? There is an existing A/C unit, and that measurement of the corner of the pool to the corner of the house is that 2.4 ?

Mr. Gdanski said correct.

Mr. Madaio esq said to be double sure that the Board members.....where that 6.4' measurement is. That amount *is actually the closest to 15'*.

Mr. Gdanski said correct.

Mr. Madaio esq said could you push the pool back 15' ?

Mr. Gdanski said not without doing a variance. And there would be.....

Mr. Madaio esq said It would be on the neighbors property. The pool is how wide ?

Mr. Gdanski said 14.

Mr. Madaio esq said is that about as small a pool that you can do ?

Mr. Gdanski said yes that is pretty much the standard size.

Mr. Madaio esq said and there is no other way to make this work.....undersized lot.....hardship..... And practical difficulty in actually installing athat's where we are.

Ms.Westerfeld said could you please describe this deck and this staircase on the plan. The deck is attached to the house. Higher level ?

Mr. Gdanski said yes

Mr. Madaio esq said the deck has always been there . So again, its worth noticing. We are not asking for any patio, deck,....., places to put lawn chairs. We are not asking for anything except that the pool has a coping,.....and that there be a pad that is about half the size of this table Is that relatively accurate?

Mr. Gdanski said yes.

Mr. Madaio esq said so from this line to the end of the table.....that's where we will put the filters and the heaters 6, filter pump for the heater, and that's where your money gets thrown quickly . So that's the extent of why we are here. **(20:19)**

Mr. Kassis said if I may bring your attention to the area that's marked deck. It squares off the back corner of the house. That's a proposed deck ?

Mr. Gdanski said no it was always there.

Mr. Madaio esq said I hope I have been very clear. Are there any other improvements we are adding other than the pool with the coping ?

Mr. Gdanski said no that's it.

Mr. Madaio esq said the deck is there.

Mr. Gdanski said the deck is existing.

Mr. Madaio esq said the 18 pads are there.

Mr. Gdanski said correct.

Mr. Madaio esq said are we building any new patio or anything else ?

Mr. Gdanski said no. Just the pool and the equipment pad.

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Mr. Kassis said my question is to you regarding the deck. I've been on the Zoning Board for more than 20 years. I did recall this address, and as I expected I pulled it up. While on question number 8: "to your knowledge has this property been in front of the Board?" In 2017 it was in front of the Board, as I recall

Mr. Madaio esq said my clients, by the way, purchased the property.He didn't know that.

Mr. Kassis said right. So, the interesting thing is the deck doesn't appear in the previous plan, issued with the variances in 2017. So that is issue number 1. Issue number 2, I see that, the Board of Adjustments is here to make adjustments usually in its entirety. Looking at the scope of work in front, instead of coming back for little pieces more than one time. If that time is 2017, the Impervious Coverage that was granted, and here we are again for Impervious Coverage to be granted. The course that is confusing to me, and I would have to do a little more research on, is the deck does not appear in the drawing that your client provided and in the file for this property. The Impervious Coverage that you are including here, is including that deck?

Mr. Madaio esq said yes, it is including every improvement currently on this property. I still don't understand, my client did not own the house.

Mr. Kassis said yes, at looking back at the older application, dated 2017, the proposed 30.5%, which was the 10.5% variance which was granted. And then when we are looking at the variance here, it suddenly jumped up to 39.

Mr. Madaio esq said because we count on not explaining what actually.....so we have real numbers for theand it was surveyed properly... Did someone on your team survey it.

Mr. Gdanski said yes, those are the actual numbers

Mr. Madaio esq said these are the real numbers. If this Board approved something less than that in 2017, or approved differently in 2017 under a prior owner that might have built the deck with or without it being appropriate. I cannot put myself in.....the prior home. I can tell you that the numbers that you see here are absolutely actual, and based upon absolutely actual numbers. We require a coping and a pad to put our *hump* on.

Mr. Kassis said and if the Board was to grant these current numbers in the application, we would be thereby approving a deck that was installed possibly without authorization, and now we would find ourselves in a little bit of a predicament here.

Mr. Madaio esq said I don't know why you would be in a predicament, we are not going to redactyour coverage, your actual total coverage.

Mr. Kassis said why we would be

Mr. Madaio esq said

Mr. Kassis said which includes the deck.

Mr. Madaio esq said we don't need a separate variance to build the deck. Whatever variance we need for the deck. its in our Coverage calculations. And we still only need 120 sq.ft more, so we can put in our *costs*. Am I correct, is the gap included in the Coverage calculation?

Mr. Gdanski said I don't think its definitely included. I don't know what counts.

Mr. Kassis said if its snippets, there is spacing between.

Mr. Madaio esq said so even that....

Mr. Kassis said I'm done. I disagree with that, because this has to.....we need time.....to include it in Impervious Coverage. Goes back to the spacing or not.

(25.38)

My concern is that this application includes new numbers from 2017. And the approval of this new number could include Impervious Coverage for a deck we never approved.

Mr. Madaio esq said would you have had to approve it.

Mr. Kassis said we would have, because we ceded at that time Impervious Coverage was granted. We went beyond the Impervious Coverage granted, in order to get the 39.

Mr. Madaio esq said you approved the Impervious Coverage.

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Mr. Kassis said for a deck that we did not approve.

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Mr. Madaio esq said the deck did not inspire approval .

Mr. Van Horne said we don't know that

Mr. Madaio esq said so lets make the worst possible assumption. The deck has been illegally built by the prior owner. Lets just say, and it did not get picked up on your CO inspections, when my client innocently bought the house 3 years ago. None the less, my client is coming here to you today with absolutely, actually numbers.....and those absolutely, actually real numbers require a coping and a concrete pad. As I often, say Mr. Chairman, if I could make time go backwards, I could be skinny and single. But I can't make time go backwards, so be it. So if a prior guy built the deck, if we need to add that into our calculations. We can do that very quickly. If Paul did not include them, maybe there would be some question if we should have included them, but we would be happy to include them. Only there, I hate to harp on this, it was there when my client got his CO. Its been there for greater than 4 years, because my guy just told me he wouldn't do it. He can testify to that.

Mr. Kassis said I never said he did. What I am saying here is that we granted in 2017, 10% variance for Impervious Coverage, and at that time the Impervious Coverage was 30.5.

Mr. Madaio esq said it was built illegally.....and your CO inspection missed it, and frankly your CO inspection should have called it out. Made an inspection as usual, and he didn't.

Board Member said I think the point he is trying to make is: when the house was built in 2017, when we approved an additional 10% for the Impervious Coverage. Now you are coming back to us, 4 years later, Asking for another 10%.

Mr. Madaio esq said my client.....

Board Member said Your client bought a house with extended Impervious Coverage

Mr. Madaio esq said yes

Board Member said and now you are asking for 10% more.

Mr. Madaio esq said but we couldn't have done it all at the same time.

Board Member said right, because we wouldn't have agreed to it.

Mr. Madaio esq said no, because it was a prior owner who didn't want a pool. How could that possibly be....

Mr. Kassis said you are treating this as an existing issue, when it is not.

Mr. Madaio esq said it is existing

Mr. Kassis said it is existing after we granted it a 10% increase.

Mr. Madaio esq said but you granted it to a different guy.

Mr. Kassis said and flooding matters between which owner it is ? You tell me. Does it ?

Mr. Madaio esq said first off...

Mr. Kassis said answer the question.

Mr. Madaio esq said no, no, no no, no, no Okay ? First off, I wish that the guy, before, had asked for a pool and gotten a covid. Okay. Bye. The guy before did not come to me. He didn't want a pool. There was nothing like that. So how can you suggest that this acuity is taking a small bite at the apple, then a small bite at the apple, then a small bite at the apple. While ignoring the fact that different people.

Mr. Kassis said that's not what we are doing. We are doing seconds . (30:05)

Mr. Madaio esq said so the prior approval, we realized we needed variance from the prior approval. We needed variance from the pro. We needed variance from the prior approval. But we have no ability to do anything like that. But what we can do is tell you that we are 100% on this. We are providing numbers that are 100% on. That really show us that we need another 120 sq.ftI don't think there is any world where 120 sq. ft of additional coverage.....to put the motor on is going to cause flooding on a 7,500 sq.ft lot. But if a seepage pit were required, we would be happy to do that. We actually show that.

Ms. Wehle said I have a question on that . If the seepage pit is right next to, let me see if I am describing this correctly, directly to the left of the middle of the pool, existing drainage location, that's your seepage ? (31.26)

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.....discussion between Ms. Wehle, Mr. Madaio esq and Mr. Gdanski as to location of seepage pit.....

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Ms. Wehle said the future pool and the square are directly across from each other. Just so I understand, from what I remember of the area, it's a *shelf*.

Mr. Gdanski said yes.

Ms. Wehle said so the seepage pit to the left, if the pool was to overflow, or there was a problem, there is absolutely no way to check all of that water. If there was some kind of event, as we had with the flooding just.....

Mr. Gdanski said.....6".with that much area to fill up with water.....and..

Ms. Wehle said okay. I just want to understand.....I wasn't sure. And then. probably, more questions, and possibly, I should say, insignificant, there is a *water sheet*. What is that *water sheet* ? and does that take up space ? Does the water flow over something ?

.....several persons spoke at the same time.....

Ms. Wehle said okay. I was just wondering, if that was calculated at the same time..

Mr. Gdanski said yeah.

Ms. Wehle said my concern is if the pool is full and you have all of this so close to the house, maybe with the *weather* with all the flooding we have been having lately. On this side of the house is the kitchen but what happens to the rest of the house ?

Mr. Gdanski said the seepage pit can be handled, drawn...

Ms. Wehle said right, but its on one portion of the property

Mr. Gdanski said your seepage pit is not there to collect pool overflow. (33.26)

Ms. Wehle said right, but water overflow, which is causing the pool to overflow,

Mr. Madaio esq said that is 6" plus the in digital amount.....

Ms. Wehle said Okay.

Mr. Kassis said I have a simple question for you. The calculation for Impervious Coverage that you provided to us today. Does that include the Impervious Coverage for the area of the deck that is in question ?

Mr. Gdanski said it doesn't include the deck

Mr. Kassis said so the deck was omitted

Mr. Gdanski said *the deck counts as the old deck.*

Mr. Kassis said I would like to hear that from the councilor.

Mr. Madaio esq said we believe the ordinance is that it does not count.....we would be very happy to take *the vertex*.....down from that deck.....and we would not add it to our Impervious Coverage.

Mr. Van Horne said Mr. Gdanski describe the surface of the deck

Mr. Gdanski said I don't recall.....

Mr. Majid Syed asked to be heard.

Mr. Van Horne said want to step up, sir. Please raise your right hand. Do you swear to tell the truth and nothing but the truth so help you god. Please state your full name and spell your last.

Mr Syed said my first name is **Majid** and my last name is **Syed**.

Mr. Madaio esq said Majid, we want to ask you one or two questions.

Mr. Madaio esq asked when did you buy the house ?

Mr Syed said 2019.

Mr. Madaio esq said in 2019 when you bought the house, did it have a deck ?

Mr Syed said yes.

Mr. Madaio esq asked you did not build the deck ?

Mr Syed said No

Mr. Madaio esq asked did you make the deck any bigger or smaller since you bought the house ?

Mr Syed said we reduced the deck.

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Mr. Kassis said 39.2.

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Mr. Madaio esq said 39.2. can you show.....*paper rattling*.....you guys are all dragging your food. 39.2. So why have I properly.....is actually less than.....what did you approve in 2017.

Mr. Kassis said 39.2

Mr. Madaio esq said what's there now ?

Mr. Kassis said 39.5

Mr. Madaio esq said so you approved 39.2, and we are showing 39.5 plus the deck.

Mr. Kassis said we never approved the deck.

...background noise....

Mr. Madaio esq said but you approved the same..... (42.10)

End of Transcript

Start of Narrative:

Mr. Madaio esq said Instead of the application requiring additional 120 sq.ft of Coverage, it would now require 520 sq.ft of additional Coverage.

Mr. Madaio esq said that the previous owner built the deck without permission.

The Board members and Mr. Madaio esq discussed the timing of the 2017 application and the close of the sale of the property to Mr. Syed.

Mr. Madaio esq argued the relevancy of the 2017 application to the present.

Mr. Kassis asked if there was anyone here on behalf of this application ? Let the record show that no one responded.

Mr. Kassis said tell us what you are looking today. What variances that deviate from what we have on this sheet.

Mr. Van Horne said Let me try and summarize what we got:

Impervious Coverage: permitted is 32.4%, existing is 39.2 plus with 400 sq. ft. or so to the depth , 39.5 total ?

Mr. Gdanski said 45.5 would be existing

Mr. Van Horne said so 45.5 is the existing. 47.1 is proposed and the Variance required is 120 sq.ft and that is 8.7%. The difference between the proposed, required and permitted is 8.7%

Mr. Gdanski said no , because you have to add 6%.....so you are at 45.

Discussion regarding the Variance.

Mr. Van Horne said so the variance is 8.7% total.

Mr. Gdanski said so its 32.4 plus 8.7

Mr. Van Horne said we are going over the 32.4 permitted.

Mr. Gdanski said its 39.5, plus 6% that we never counted before, plus 1.6 which is the 120 sq.ft

Mr. Van Horne said numbers should add up to 47.1. which is 7.6.

Mr. Madaio esq said the deviation we are asking for is 7.6, and adding 39.5, plus 6%, plus 1.6 for the 120 sq.ft.

.....discussed the accuracy of the figures and reviewed requirements of the application.....

.....described the present characteristics of the deck.....

.....described what was done to the deck....

Mr. Sutura described a similar case that he witnessed the last time he was on the Board. Someone built an addition without a permit, but got a variance of 39.5 . So what are we liable for now that it is already built ?

.....Discussion between Board members and Mr. Madaio esq as to what could be done in this case.....

Mr. Kassis said so the Variance required is 1.6% over existing.

.....Discussion on drainage.....

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Mr. Kassis said there is a lot at play here, and we want to be as accurate and fair to all applicants.....

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as possible. I think it would be true to everyone to pause on this application and get some additional information, get some true numbers, because what shows at the existing Impervious back then, its different as what shows today. If it gets denied, for one reason that's an issue. If it gets approved that's a different issue. There are two issues, no matter which way we voted on.

Mr. Van Horne said could you also have **Mr. Gdanski** summarize what we talked about tonight, with accurate numbers.

Mr. Gdanski agreed.....

Mr. Van Horne said so we will have a truly good thing, a true proposed and then a Variance required.

Mr. Madaio esq said we will *stive* our seepage pit to accommodate fully that 400 sq.ft. of deck. Just so if anyone was ever concerned about that. We added a seepage pit, for the 120 sq.ft., we will oxidize that seepage pit.....

Mr. Van Horne said you would be willing to adjourn this until next week.

Mr. Madaio esq agreed.....

Mr. Kassis said we are not looking for what happened then (2017). We want to get today, we want to be accurate.....and no matter what we vote on, we want to be fair to the applicant so that everybody gets a fair vote in front of the Zoning Board.

Mr. Kassis said the next meeting of the Zoning Board is the first Thursday in December.

Mr. Madaio esq said the first Thursday in December I cannot make. I can send representative, *Schumack*. Is there another meeting in December ?

Mr. Kassis said no, January then.

Mr. Madaio esq said take it to effectively January. I apologize, but I think you want his numbers. I think we're pretty close, .We've agreed to a condition of drainage and everything, but if the Board will insist on absolutely accurate numbers, we could simply state that, Mr. Chairman I'm just going to throw out a *jacket*, we know that what we are asking for is the last thing for *these tests*.....(1.01.44),

.....**We'll book it for the 4th Thursday in January**.....(1.02.50)

Mr. Madaio esq..... expressed his thanks and appreciation.

Mr. Kassis said next application is # 1417

Please see next page

(1:04.20)

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1417 Adam Burlison 46 Crest Drive South Block 92.04 Lot 12

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u>
<u>Front Yard Set Back</u>	<u>25 ft.</u>	<u>24.1 ft.</u>	<u>12.4 ft.</u>	<u>3.6 ft.</u>
<u>Side Yard Abutting/Lot</u>	<u>15 ft.</u>	<u>11.4 ft.</u>	<u>12.4 ft.</u>	<u>2.6 ft.</u>
<u>Other Side Yard</u>	<u>20 ft.</u>		<u>18.8 ft.</u>	<u>1.2 ft.</u>
<u>Combined Side Yards</u>	<u>35 ft.</u>		<u>30.2 ft.</u>	<u>5 ft.</u>
<u>Rear Yard Set Back</u>	<u>30 ft.</u>	<u>43 ft.</u>	<u>27.9 ft.</u>	<u>2.1 ft</u>
<u>Max. Livable Fl. Area (FAR)</u>	<u>39%</u>	<u>26%</u>	<u>37%</u>	
<u>Lot Frontage</u>	<u>100 ft.</u>	<u>60 ft.</u>		<u>ENC.</u>
<u>Lot Depth</u>	<u>100 ft</u>	<u>115 ft.</u>	<u>115 ft.</u>	
<u>Bldg. Coverage %</u>	<u>20%</u>	<u>18%</u>	<u>25.9%</u>	<u>5.9%</u>
<u>Impervious Coverage variable</u>	<u>33.9%</u>	<u>30%</u>	<u>41.25%</u>	<u>7.35%</u>
<u>Height of Bldg.</u>	<u>28 ft.</u>	<u>22 ft.</u>	<u>27.5 ft.</u>	
<u>Lot Area</u>	<u>10,000 sq. ft.</u>	<u>6,900 sq. ft.</u>		<u>ENC.</u>
<u>Min. Driveway side-yard</u>	<u>10 ft</u>			

A representative for the owner is before the Oct 26 Zoning Board for approval.

They would like to construct a new paver patio and a new wooden deck.

On Jan. 28, 2021, the same owner/ applicant applied, and was granted (Resolution Docket No. 1372) approval to construct a 2nd story addition.

According to the resolution:

Mark Madaio, attorney for Applicant, questioned the Architect, Asgher Ali Qureshi, who testified as follows:

- a) Applicant owns 46 Crest Drive South , Cresskill, New Jersey;
- b) Applicant wants approval to construct a second story addition at the premises;
- c) They want to square off the first floor so that the house will be a full rectangular and they will do away with cutouts in the rear of the first floor.
- d) There will be a larger kitchen on the first floor;
- e) The existing ground floor is 782 square feet and will be 1,273 square feet with the addition.
- f) And, they plan on adding a second floor. This addition will not require a variance for Building Coverage, nor Floor Area Ratio; nor Impervious Coverage.;
- g) The lot size requirement is 10,000 square feet and the lot is only 6,900 square feet which is 30% undersized.
- h) The second floor will fit on top of the first floor, with one exception, the front of the second floor of the building will hang over the first floor;

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- i) 1417 Adam Burlison (cont) 46 Crest Drive South Block 92.04 Lot 12**
- j) The only front yard set back variance required is because they want to convert the front entry and stoop to a covered porch—that requires an 11 inch variance.**
- k) The lot is undersized in the front yard by 40% of the requirement.**
- l) Applicant agreed that the front porch can never be enclosed**

Mr. Mark Madaio esq introduced himself as representative for the applicant. His office is at 31 Legion Dr. in Bergenfield.

Mr. Douglas Radick esq said my client received a prior approval.....and subsequently built an additional deck.

The application is for work done.

Mr. Douglas Radick (Architect) was sworn in, and gave his credentials.

Mr. Douglas Radick and Mr. Mark Madaio reviewed the Variances in the application

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u>
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<u>Impervious Coverage variable</u>	<u>33.9%</u>	<u>30%</u>	<u>41.25%</u>	<u>7.35%</u>

Mr. Van Horne said this doesn't mesh with our agenda.

Mr Madaio esq said Mr. Rusch made a mathematical error. You are referring to the side-yard ?

Mr. Van Horne said alright. Can you go over existing Building Coverage as proposed..

(1.12.28)

Mr. Madaio esq said existing Building Coverage is what ?

Mr. Radick said existing Building Coverage is 18% on thisChart.

Mr. Van Horne said I think you took a different number, its 22 point something, right?

Mr. Madaio esq said we want your testimony. Don't worry about the chart.

Mr. Radick said 22.59

Mr. Van Horne said 22.59

Mr. Radick said correct

Mr. Madaio esq said that's existing Building Coverage.

Mr. Radick said correct

Mr. Van Horne said and the proposed is 25.9

Mr. Radick said that's okay.

Mr. Van Horne said and the Impervious ?

Mr. Radick said including Impervious, is 30%. On this chart it's 32.

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Mr. Kassis asked is that existing right now ?

Mr. Radick said existing is 32.433

Mr Madaio esq said the existing is conforming, because permitted is 33.9...*several persons speaking at once*...Does that make sense ?

Mr. Kassis said it does make sense but it also raises the question in the paper-work that you have provided to us in the previous resolution . The proposed Impervious Coverage was 30%. That’s what you provided to us, that’s what our records indicate. And now, we’re coming and saying its 32.4. Did something change between

Mr. Radick said he built a new paver patio.

Mr. Kassis said that’s in the proposed. So the existing went from 30 to 32.3.

Mr. Radick said we would not have gotten an approval for

Mr. Van Horne said you didn’t. You didn’t get a Variance.

Mr Madaio esq said but they need a Variance.

Mr. Van Horne said how did he go from 30 to 32.43 ?

Mr. Kassis said which again is below the number. We would like to have correct numbers. So what happened. How did it go from 30, which the previous application, back in whenever that was, it said 30. Now we are at 32. Did something get added between when it was heard back in 2021. Was something added ?

Mr. Radick said.....*inaudible*.....

Mr. Kassis said so we are in a different situation.

Mr. Radick said However I want you to have the numbers so it doesn’t matter who’s.....

Mr. Van Horne said **Mr. Radick**, did you take the measurements ?

Mr. Radick listed some measurements.

Mr. Van Horne said okay.

(1.16.39)

Mr Madaio esq said so, that is what we are here for. ...reviewed the variances and their origins in the application....

Mr. Van Horne said alright, Ok we’ll talk to the client

Mr. Adam Burlison was sworn in.

Mr. Van Horne said we know who you are. Please tell us what was existing

Mr. Burlison testified the house was built when.....on the side of the door we have a 5 by 9 slab to hold the stairs. They removed the stairs, and just kept the slab.....

Mr. Van Horne said did you stipulate to remove the slab ?

Mr. Burlison said

Mr Madaio esq said.....

Mr. Van Horne said **Mr.**do you have dimensions of that slab that is going to be removed

Mr. Burlison said 9.5 by 5.

Mr. Van Horne said nine and a half by five. Give me the square footage again

Mr. Burlison said 47.5.

Mr. Van Horne said 47.5

(1:20.41)

Mr Madaio esq said.....is the deck included in our Coverage calculations ?

Mr. Radick said its included

Mr Madaio esq said is it included in the Impervious

Mr. Radick said no because water goes through it.....

Mr. Madaio esq said you did it correctly. So, Adam, just to go back, not just to the slide. You received approval in 2021

Mr. Burlison said correct.

Mr. Madaio esq said you built out..... Correct ?

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Mr. Burlison said correct.

Mr. Madaio esq said and the chairman had a very direct question. The approval at that time showed approximately 30 % Building Coverage

Mr. Radick said not approximately, exactly 30% .Building Coverage.

Mr. Kassis said not approximately

Mr. Radick said exactly 30% .Building Coverage..... **(1:21:35)**

Mr. Madaio esq said the existing Building Coverage is 22.59. So we were permitted 20% Building Coverage, we have 22.5 % Building Coverage. They both conform. What was adding to go over the 30 that existed prior variance.....that did something else in Building Coverage that brought you up 2.5%

Mr. Radick said not what I am aware of, when the house was builtput in the slab to back-out. We put in the slab that's under the deck and the slab for the A/C unit to.....come up to the site.....

Mr. Madaio esq said so you presented 30, it was not an approved 30. You didn't need.....*paper-rustle*..... You were approved for 20 on the Building Coverage.

Mr. Van Horne said I don't think he needed one for Building Coverage.

Mr. Kassis said what you provided to us for Building Coverage was 20.16 so we didn't need, there was a.....of 18 so you were below the necessary 20. So the Impervious Coverage which is different.

Mr. Van Horne said theCoverage which was 18, and the Impervious Coverage went from 30 to 32.43.

Mr. Radick saidthe slab underneath the stairs, and the slab needs to be 18 units outside of the house.

Mr. Van Horne said in the 30% when they did the calculation .

Mr. Kassis said I just looked at the drawing, provided by the architect the last time. I don't see a walkway coming off the steps in the front. The steps going to the street. The front steps. There is nothing showing here. Is there a walk there now ? Its not showing a walkway from your steps to either your driveway or to the street.

Mr. Madaio esq *explained that the omission was a survey oversight*

Mr. Madaio esq.....we have a permitted closing Coverage of 20.We did not get any prior variances. So the fact that it is 22.59 existing Building Coverage. Mr. Chairman can we get a Variance of 21 for that ? **(1:25:42)**

Mr. Kassis saidexisting Building Coverage is 18%

Mr. Madaio esq.....*discussed what was included in the Existing Building Coverage*.....

Mr. Radick explained.....*the existing Building Coverage*

Mr. Madaio esq.....said so then why is proposed 25.9 ?

Mr. Radick said because by adding the deck.....*explained the additional 5.9%*.....

.....*misc. noises*

Mr. Madaio esq how did it go from 18 to 22.59

Mr. Kassis said let's leave that alone. While the architect put it, the previous architect put it.....lets just talk what is existing today. **(1:27:03)**

Mr. Madaio esq said the existing Building Coverage, right now, today, is what ?

Mr. Radick said 22.59

Mr. Madaio esq said does that include the variances which we are seeking

Mr. Radick said no it does not.....include the deck, *the patio Impervious*.....

Mr. Madaio esq said so we currently have a Building Coverage of 22.59, and we are seeking a Building Coverage of 25.92

Mr. Radick said correct.

Mr. Madaio esq said and what makes up the differential. What makes up the extra Building Coverage ?

Discussion between Mr. Madaio esq. and Mr. Raddick regarding Building Coverage.

So the only addition to Building Coverage from existing is the deck.

Mr. Radick said is the deck, right. **(1:28:14)**

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that compete. I would note.....In the event that we had a 10,000 sq.ft lot would either of these two variances *be necessary* ?

Mr. Raddick said they would not, I already checked.

Mr. Madaio esq said so the fact that this lot is undersized, obviously means that we could build less square footage, less Impervious Coverage, less Building Coverage.....*discussion on the implications of an undersized lot*.....

Mr. Madaio esq said Mr. Chairman, I will stop in just a moment. If the Board has questions.....

Mr. Kassis agreed

Ms. Westerfeld asked have you considered using an impermeable material for the patio ?

Mr. Raddick said according to Mr. Rusch, it does seep through. Its banned in Cresskill.

Mr. Kassis said they don't accept it.

Mr. Kassis said any other questions or concerns ? Considering the situation, I understand. You have a deck and a patio which would reduce. Considering that the deck work has been done. Which is the most expensive portion of this. Would your client be willing to amend the application just to the deck, and eliminate the patio so we could reduce Impervious Coverage. And whatever Impervious Coverage requirement, it does include a Seepage pit.....Your client would agree to that ?

Mr. Madaio esq said he is here and he can testify to that and certainly would *consider that*.

Mr. Kassis said OK.

Mr. Burlison said I started on the deck. It's only a 16 by 16 deck which is pretty small. So I included the patio. I wanted 22 by 22. 16 by 16 is pretty small..... I want to put furniture out there

Mr. Madaio esq said *the question is would you sellout the patio ?*

Mr. Kassis said so, if you were to slightly increase the deck size. That would not affect the Impervious Coverage. You would get a little more square footage, but we wouldn't be dealing with such large Impervious Coverage. I, for one, have an issue with Impervious Coverage being the level it is. And we talked about whether this would be a normal lot. The depth of your lot is 115, which is more than the average depth. So you are encroaching into an area that is more than adequate for keeping a 30' area. So I would not be thrilled with it, I would be inclined to vote for it. But, I think that the pervious Patio issue, I would like to see the Impervious Number go down.

Mr. Madaio esq said I do recognize that the court expresses concern regarding Impervious Coverage. It seems to me that a couple of members of the board.....consider that the Impervious Coverage is more of a problem than the deck. And in fact, Mr. Chairman, it might be okay if the deck were even 2' wider or something.

Mr. Kassis said but not deeper.

Mr. Madaio esq said but not deeper.

Mr. Kassis said maybe 2'.

Mr. Madaio esq said it's the patio.....

Mr. Kassis said right.

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Mr. Madaio esq said do we know, Mr. Chairman, that this is generally the position of the Board ?

Mr. Kassis said we couldn't call the Board, as you know. Your application would have to be amended agreeably, by your client. And if you are proposing 2' bigger on the side, and eliminating the patio. You would get my vote.

Mr. Burlison said I'm having French Drapes put in so one of my daughters, so I see they are on to my property. *Described how he had put low gutters any where near the house into my yard for drainage.*

Mr. Kassis said would you like to take one minute and speak to your client.

Mr. Madaio esq said sure I would be very happy to.

Mr. Kassis said I think that would be important if you could quickly speak to your client, and then whether or not, what we just said was agreeable. So then they could comment on the nature of that.

Mr. Madaio esq said that would be fine.

Mr. Kassis said just a couple of minutes please.

Mr. Madaio esq and Mr. Burlison returned to the court room.

Mr. Madaio esq thanked the court.

Mr. Madaio esq said I think I have some clarity from my client of what he feels is. I'm going to ask him to express that. Generally speaking it would be leaving the deck the same. Not making the deck any bigger. Making the patio smaller. That would eliminate the Impervious slightly. So how much of the patio would you be willing to remove ?

Mr. Burlison said 12 by 10

Mr. Madaio esq said so the patio would become 12 by 10. Which takes off how many square feet.

Mr. Raddick said 34

Mr. Madaio esq said so that removal of 34 changes Impervious Coverage from 6.66 to what ?

Mr. Raddick said 6.56 from 6.66.

Mr. Madaio esq said the Impervious, Mr Chairman, goes from 6.66 and 6.59 by the reduction of the patio, and there will be no alteration of the deck.

Mr. Van Horne said Mr. Raddick what would the proposed then be

Mr. Raddick said 26.45.....it's the net Impervious.

Mr. Van Horne said it was 40.56

Mr. Raddick said..... it went down to 39.4

Mr. Madaio esq said and of course this would still encompass whatever Seepage pit is necessary.

Mr. Kassis said alright, we would like to open the floor up. Is there anything else you need to say before we do that ?

(1:48:08)

Mr. Kassis said Thank-you everybody for being patient tonight. I know it's a little longer than normal for all of us. .If anyone would like to be heard on this application please step forward.

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A member in the audience began to speak . Mr.Kassis asked him to come forward and speak into the microphone.

Mr. Kassis said explain who you are. One thing at a time.

Mr. Kassis said please raise your right hand. Do you swear to tell the truth, so help you god.
The recording of the audience member was very poor.

Mr. Sequercion said he lived in Tenafly. He complained about the noise.

Mr. Madaio esq said I think we heard testimony that the deck is partially built and the patio is not built

Mr. Sequercion said His property is adjacent to my property. My property is on a slope....., I don't want him to come too close to me

Mr. Kassis said so would you say you were for this application or oppose the application.

Mr. Sequercion said I oppose the application.....complained about the noise from the construction.....

Mr. Kassis said so thank-you very much for coming. And I'm sorry it took so long.
Anybody else ?

Another person from the same address as Mr. Sequercion spoke but did not testify.

Another audience member said he was here for the memorialization of 17 Cherry Court.

Mr. Van Horne said just to make one thing clear before we have a vote. The applicant stipulated to remove the slab underneath the stairs, underneath the deck, and we've got a new proposed Impervious of 31.51 requiring a Variance of 6.59

Mr. Madaio esq said and the extra Seepage.....

Mr. Van Horne said Okay

Mr. Kassis said is there a motion to approve this application as amended or deny it ?

Mr. Bancroft made the motion to approve.

Mr. Kassis asked for a second (1:52:27)

Ms. Wehle seconded.

A Roll call was taken. The motion was passed on a 3 to 2 vote.

Mr. Kassis said he was voting no, based on my recommendations.

Mr. McCord voted no.

Mr. Kassis said we have one memorialization tonight :

Please see next page

