

**Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 PM
Minutes Apr., 27, 2023**

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Present in Person: Mr. Kassis, Mr. Cleary, Ms. Wehle, Ms. Westerfeld, Mr. Corona, Mr McCord,
Mr. Van Horne Esq.(Board Attorney), Ms. Bauer (recording secretary)

Absent :

Mr. Kassis called the meeting to order at 7:35 pm

Ms. Bauer did the roll-call

The Feb. 23, 2023 minutes were approved by Mr. Cleary and seconded by Ms. Wehle.

Application 1405

1405 Jung Hwan Jang 31 Allen St.Madison B 73.01 L39

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	25'		
Side Yard Abutting/Lot	15'	10'		ENC
Other Side Yard	20'	10.5'		ENC
Combined Side Yards	35'	20.5'		ENC
Min. Rear Yard	30'	96.5'		
FAR	39%	NA		
Height of Building	28'	NA 2 story		
Lot Frontage	100'	50'		
Lot Depth	100'	180'	NA	
Bldg. Coverage %	12.51%	28.1%	NA	
Impervious Coverage Within 125' lot line	35% 3,500 sf	24.86% 2,237 sf	46.25% 2,775 sf	11.25%
Lot Area Within 125' lot line	10,000 sf	9,000 sf 6,000 sf		ENC
Wood Deck		52 sf	0 sf	
Patio		0 sf	500 sf	

Mrs. Jang has applied to the ZBOA to construct a Patio.

Mrs. Jang testified that they had just moved to Cresskill. There was too much traffic in front.
The Patio was at grade level.

Mr. Kassis said that extra drainage must be provided.

Mr. Corona said that the patio included stairs.

Mr. Kassis asked if there was anyone in the audience concerning the application.
There was no response from the audience.

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1405 (cont.) Jung Hwan Jang 31 Allen St. Madison B 73.01 L39

Mr. Cleary made the motion to approve.

Mr. McCord seconded.

Roll Call taken.

All Board members answered 'yes'

The motion was approved

The application was granted.

Mr. Kassis said the next application is:

Application 1406

1406 Kish Kush LLC (Avi Lavon) 8 Douglas Drive Block 1.05 Lot 14

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	25.24'	28.38'	
Side Yard Abutting/Lot	15'	10.22'	10.22'	4.78'
Other Side Yard	20'	20.12	18.36	1.64'
Combined Side Yards	35'	30.34'	28.58'	6.42'
Min. Rear Yard	30'	42.26'	28.46'	1.54'
FAR	31.62% 2544 sf	11.28% 976 sf	38.7% 3348 sf	7.08% 804 sf
Height of Building	28'	20' 1 story	27.75' 2 1/2 story	
Lot Frontage	100'	90.49'	90.49	ENC
Lot Depth	100'	91.74''	91.74'	ENC
Bldg. Coverage %	20% 1730 sf	16.03% 1387 sf	24.0 % 2076 sf	4.0% 346 sf
Impervious Coverage variable	30.9% 2673 sf	29.94% 2590 sf	35.82 % 3098 sf	4.92% 425 sf
Lot Area	10,000 S.F	8,650.2 sf	8790.2 sf	ENC

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1406 Kish Kush LLC (Avi Lavon) (cont.) 8 Douglas Drive Block 1.05 Lot 14

Kish Kush LLC (Avi Lavon) has applied to the ZBOA to construct an addition, a patio and a deck .

Mr. Chris Blake, architect for the application, was sworn in

Mr. Blake said The lot size is similar to that of the neighbors, and there is a large patio there. The patio is new, and about 180 sq.ft

Mr. Kassis said that the proposed addition was too large.

At about 7:45 pm, the recorder (DCR) stopped recording.

Several members of the Board tried to diagnose the problem.

A member of the audience, a Boy-Scout, that Mr. Kassis knew personally, volunteered to help.

He determined that there was no internet connection.

The internet Connection was restored, and the meeting resumed at 8:18 pm.

Mr. Kassis said before the break we spoke about some of the variances being requested, and some of them being reduced or eliminated.

Mr. Mark Maryanski Esq., attorney for the applicant, said based on certain comments, we had discussions with the applicant, and the applicant's architect, and we came up with some proposed revisions that are very *inspiring*.

Mr. Chris Blake described the revisions. The recording of his voice was blurred and not intelligible . From the notes:

Proposed Revisions:

Remove the 24.5 extension, 134 sq.ft per floor.

Eliminating the set-back, will reduce the FAR, will reduce the Building Coverage, and the Impervious Coverage. .

Reduce FAR from 38.7 to 36.39% where 31.62 is required

Reduce FAR Variance from 7.08 to 4.77%

Reduce Building Coverage to 22.8 where 20% is required

Reduce the Building Coverage from 4 % to 2.8 % overage.

Reduce Imperious Coverage to 34.65 % where 30.9% is required

Reduce Impervious Coverage Variance from 4,92 % overage to 3.75%

Mr. Maryanski Esq asked if there were any questions.

Mr. Corona said yes, the agenda states that the application is for an addition, a patio and a deck. I don't see a deck on this plan.

Mr. Blake explained why the deck was not part of the application..

Mr. Kassis asked any other questions for the applicant ?

Mr. Kassis asked what side of the house is staying exactly where it is ?

And approximately how many square foot is the house now been reduced ? You quoted that number before.

Mr. Blake said 2172 that's the addition.

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Mr. Kassis said the new square footage of the house.

Mr. Blake said that will be 2177.

Mr. Maryanski Esq said that's the addition, the total.

Mr. Kassis said clear footage of the house.

Mr. Blake said that's not the addition that's the proposal . The proposal for the house would be 3158.

Mr. Kassis said I'd like to make a comment on the roof layout. It seems like the effect of the roof, having that pitch inward, does improve the air and light for the neighboring houses, and diminish the overall height, makes the line look the size of the property which is a great concern when we looked at the applications .

Mr. Blake said the house has two stories.....

Mr. Kassis said the rear patio is going to remain the same, just moved forward to the 4' forward to the house.

Mr. Blake said right.

Mr. Kassis said let the record reflect that there is no-one here for this application in the audience. With that being the case, could we have a motion from the Board either for or against this application.

Mr. Morgan made the motion to approve with the revisions that were stated on the record.

Mr. Kassis asked do we have a second.

Mr. Cleary said second.

Mr. Kassis said could we have a roll call please.

Roll Call taken.

All Board members answered 'yes'

The motion was approved

Mr. Kassis said motion approved.

Mr. Kassis said the next application is:

1407 Yehuda Udi Cohen and Tali Cohen 46 Pershing Place B 1.37 L 329.01

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Application

1407 Yehuda Udi Cohen and Tali Cohen 46 Pershing Place B 1.37 L 329.01

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	25.1'	25.1'	
Side Yard Abutting/Lot	15'	15'	15'	
Other Side Yard	15'	15'	15'	ENC
Combined Side Yards	35'	30'	30'	ENC
Min. Rear Yard	30'	53.33'	34.83' To porch	
FAR	35.22% 3082 sf	34.78%	34.78%	
Height of Building	28	27.67 2 ½ stories	27.67	
Lot Frontage	100'	70'	70'	ENC
Lot Depth	100'	135'	135'	
Bldg. Coverage %	20% 1890 sf	19.05% 1800sf	22.96% 2170 sf	2.96% 280 sf
Impervious Coverage variable	32.9% 2879 sf	34.51% 3020 sf	34.51% 3020 sf	ENC
LotArea	10,000 sq.ft	9450 sf	9450sf	ENC

Yehuda Udi Cohen and Tali Cohen, represented by Avraham Lavon, have applied to the ZBOA to construct a covered patio roof system

Mr. Maryanski Esq said that this application was similar to the previous one in that it is a technical variance resulting from the covering of an existing patio. This one is at 46 Pershing Place and Mr. Blake is the architect. He will testify. Will you accept him.

Mr. Van Horne Esq. said yes, we will accept Mr. Chris Blake.

Mr. Chris Blake was sworn in.

Mr. Maryanski Esq instructed Mr. Blake to describe the property... *not properly recorded because of rustling of paper*

Mr. Blake described the existing property as shown on the plan submitted with the application. *Poor quality of the recording does not permit an accurate transcript.* The application is for a covered rear porch over the existing paver patio of 370 sq.ft.

Mr. Maryanski Esq. said so the structure itself was previously approved.....we are proposing a coverage of 22.96% , so the variance is 2.96% Building Coverage.

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1407 Yehuda Udi Cohen and Tali Cohen (cont.) 46 Pershing Place B 1.37 L 329.01

Mr. Blake agreed.

Mr. Maryanski Esq. said and its strictly as the result of putting a roof over that existing *percolate* slab. In terms of that as a practical matter, in terms of the appearance, its not going to change anything. Unless you were involved in the program, if you were down standing under it, you wouldn't be able to tell the difference.....

Mr. Blake said right.....

Mr. Maryanski Esq. said so in terms of impact on surrounding properties, I would say: mostly negligible. What about the run-off, drainage impact ?

Mr. Blake *explained that the added coverage would have no impact, because the existing slab also would not absorb water.*

Mr. Maryanski Esq. said so the patio being installed over previously impervious coverage would mean that it would have no full impact on the amount of run-off and drainage.

Mr. Blake said correct.

Mr. Maryanski Esq. asked so do you see any major impact ?

Mr. Blake said *there is no impact*.....

Mr. Kassis said does anyone on the Board have any questions for the applicants ?

Reiterating, is the size of the patio is remaining exactly the same ? There is no change, and the materials that change, it does not matter, as long as the size does not change.

Mr. Kassis said let the record reflect that there is one person in favor, in the audience, of the applicant,.....*Tim Martin* has something to say on this.

Tim Martin was sworn in.

Tim Martin explained why he is in favor of the application.

Mr. Kassis said that being said is there a motion to either approve or deny this application, as submitted ?

Mr. Cleary made the motion to approve.

Ms Westerfeld seconded .

Roll Call taken.

All Board members answered 'yes'

The motion was approved

Mr. Kassis said the next application is:

1408 Nadav and Maayan Gottesman 40 Mountain View Rd
Board Member, Ms. Wehle, is recusing herself.

B 1.03 Lot 10

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Application

1408 Nadav and Maayan Gottesman 40 Mountain View Rd

B 1.03 Lot 10

Description	Required		Existing	Proposed	Variance
Front Yard Set Back	25'		29.27'	29.27	
Side Yard Abutting/Lot	15'		10.51	10.51	Enc
Other Side Yard	20'		13.08'	13.08'	Enc
Combined Side Yards	35'		23.59'	23.59'	Enc
Min. Rear Yard	30'		58'	45.68'	
FAR	34.5% 3344 sf		30.97% 3002 sf	30.97% 3002 sf	
Height of Building	28'		28' 2 ½ stories	28' 2 ½ stories	
Lot Frontage	100'		78.24'	78.24	Enc
Lot Depth	100'		134.40'	134.40'	
Bldg. Coverage %	20% 1939 sf		19.98% 1937 sf	24.44% 2369 sf	4.44% 430 sf
Impervious Coverage variable	32.5% 3151 sf		27.2% 2637	32.48% 3149 sf	
LotArea	10,000sf		9494 sf	9494 sf	Enc

Nadav and Maayan Gottesman, represented by Avraham Lavon, have applied to the ZBOA to construct a covered patio roof system.

Ms. Wehle recused herself for this application.

Mr. Maryanski esq. said this application is similar to the previous application.

Mr. Blake is the architect.

Mr. Blake described the application. *There is an existing stone patio in the rear of the house of 432 sq. ft. that is not under an overhang.*

The application includes a covered rear porch of 432 sq.ft to replace the existing stone patio, and new retaining walls + steps of 80 sq.ft

The total Building Coverage is 2369 sq.ft with the resulting variance of 4.44%.

Mr. Maryanski esq. said again the key points. Its over existing Impervious Coverage so it would not impact drainage and run-off.

Mr. Blake said correct.

Mr. Maryanski esq. said so it will not impact surrounding properties.

Mr. Blake agreed.

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1408 (cont.) Nadav and Maayan Gottesman 40 Mountain View Rd B 1.03 Lot 10

Mr. Maryanski esq. said so that's the only variance requested is, Building Coverage. FAR, doesn't cover this existing structure.

Mr. Blake agreed.

Mr. Kassis said I am assuming the proposed rear porch, indicated on the Block Lot plan, is just a leftover ?

Mr. Maryanski esq. said no, I am considering a patio with a roof over the porch. That's why I am calling it proposed rear porch.....

Mr. Kassis said so the last application was identified as porch.

Mr. Maryanski esq. said correct.....

Mr. Kassis said so what is the difference between this application and the one we just heard ? Why is this one considered as being a rear porch ?

Mr. Blake said.....

Mr. Kassis said the pergola was there as part of the general construction ?

Mr. Blake said *that it was part of a later construction.*

Mr. Kassis said the most recent construction.

Mr. Blake said right.

Mr. Kassis said I know there is a requirement regarding building within 10' of a pool, in order for accessing in the event of a fire,..... enabling them to get in there. Was the pool part of the original plan ? Meaning the most recent ?

Mr. Blake said *it was in the previous plan*

Mr. Kassis asked were there drawings before, submitted to the town, with pool ?

Mr. Blake said

Mr. Kassis said it was a pergola and now its a porch. I will confer with the attorney on the requirements for clearances between building structures and pool, which is supposed to be 10', if I recall.

Mr. van Horne esq said that is my recollection as well. But if it was already approved...

Mr. Kassis said it was approved as a pergola not as a.....it wasn't part of Building Coverage. Now that its Building Coverage, it's a building within 10' of a pool, closer than 10' of a pool.

Mr. Maryanski esq. said I would have to reach out with that issue with the *NEFC situation.*

Mr. Kassis said I do have concerns that we are reclassifying this as a structure. First as a pergola, and now the structure is going to be right up against the pool. Which the requirements is for safety reasons, in case there's a fire, and they need to access the building. If we are now building a structure, and when the pergola was not counted as a structure, it is my concern that we might need clarification on this application from the governing department.

Mr. van Horne esq said do you want to comment on that, Mr. Maryanski ?

Mr. Maryanski esq said that is from the prior permit *division* permitted, and not a zoning issue.

Mr. Kassis said it could be both.

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1408 (cont.) Nadav and Maayan Gottesman 40 Mountain View Rd B 1.03 Lot 10

Mr. Maryanski esq *it could be a condition laid upon by the Fire Department.*

Mr. van Horne esq said that would be acceptable, and then if its not, it would be rescinded and you would have to re-apply.

Mr. Maryanski esq said

Mr. van Horne esq said we understand that. We understand the facts. It's a technical issue.

Mr. Kassis said and there are concerns. There are other applications coming in front of the Board . While every application is reviewed independently of one another, we have 10 foot requirements for building structures within 10 feet. And when we have done that, to my knowledge without exception, for over the 25 plus years I've been on this Board. With that being the case I would be reluctant, but I would be willing to approve a contingent on , should it be approved, that that would be conditional approval, that needs further clarification, or our department to evaluate it. It would be subject to whatever evaluation is necessary.

Mr. Maryanski esq said*we would accept that instead of being rejected by a protocol.* Right ?

Mr. Kassis said alright. We have one person, a Board member who is sitting...

Mr. Maryanski esq said I'm sorry. You stipulate that this Board, whether it's approved or rejected. If its approved, its conditioned upon the Fire Department approval.

Mr. Kassis said yes, Fire and Building.

Mr. Maryanski esq said Okay.

Mr. Kassis said Okay. Any other questions from the Board on this ? We have someone on the Board in the audience . Who is sitting as a citizen of Cresskill. Do you have any concerns regarding this application ?

Ms. Wehle said no. *It is fine.*

Mr. Kassis said Alright. Could we have a motion or conditional approval motion, one way or another on this application.

Mr. Cleary said I'll make a motion for remittance.

Mr. Kassis said do we have a second for conditional ?

Mr McCord said Second.

Roll Call taken.

All voting Board members answered 'yes'

The motion was approved.

Mr. Kassis said application 1409 Tomer Edry 149 Palisade Ave. B 92.08 L 28

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Application

1409 Tomer Edry	149 Palisade Ave	B 92.08 L 28		
Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	29.93'	29.93	
Side Yard Abutting/Lot	15'	12.30	12.30	Enc
Other Side Yard	20'	12.15'	12.15'	Enc
Combined Side Yards	35'	26.10	26.10'	Enc
Min. Rear Yard	30'	30.21	16.64	13.36'
FAR	36.12% 3761 sf	31.78% 3310 sf	31.78% 3310 sf	
Height of Building	28' 2 ½ story	28' 2 ½ story	28' 2 ½ story	
Lot Frontage	100'	47.31	47.31	Enc
Lot Depth	100'	111.64'	111.64'	Enc
Bldg. Coverage %	20% 2160 sf	20% 2160 sf	21.85% 2360 sf	1.85% 200 sf
Impervious Coverage variable	33.4% 3478 sf	35.07% 3648 sf	35.07% 3648 sf	Enc
LotArea	10,000sf	10,800		

Tomer Edry, represented by Avraham Lavon, have applied to the ZBOA to construct a covered patio roof system.

Mr. Cleary recused himself

Mr. Maryanski esq. said I am representing the applicant . The application is similar to the previous two applications. This is for a rear covered patio.....*paper rattling*.....

Mr. Chris Blake was sworn in.

Mr. Maryanski esq. said you were retained by the applicant to prepare this plan service instruction . Correct ?

Mr. Blake said correct.

Mr. Maryanski esq. said and you are familiar with the subject property, and the Zoning ordinance as it relates to this application ?

Mr. Blake said correct.

Mr. Maryanski esq. said would you explain what's there and what is proposed.

Mr. Blake described the property.....*house is split-level*..... *existing pergola*

Mr. Maryanski esq. said there is adequate screening from the adjoining property on the rear.

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1409 Tomer Edry (cont.) 149 Palisade Ave B 92.08 L 28

Mr. Maryanski esq. said and in fact this proposed rear porch, as it says, is not as close to the rear property line as it had before

Mr. Blake said correct.

Mr. Maryanski esq. said in fact it's between the house and the pool.

Mr. Blake said correct. Its more towards the front of the house.....*probably closer than 10' to the pool, I would guess.....recording poor.....*

Mr. Maryanski esq. said so we will be seeking a similar condition, in that regard, as the prior application . Subject to the prior *sub-code class.....paper rustling.....* Now the Building Coverage variance as a result of covering that porch. The Building Coverage is increased to 21.85%. Correct ?

Mr. Blake said correct.

Mr. Maryanski esq. said which is a variance of 1.85% over the 20% allowed. Correct ?

Mr. Blake said correct.

Mr. Maryanski esq. said the variance of the rear yard is 13.36 ' deficiency . Correct ?

Mr. Blake said yes.....*recording poor.....*

Mr. Kassis said in your previous testimony tonight you spoke regarding the lot size being undersized. In this case you have a lot that is above the required 10,000 sq.ft., and yet, you are looking at an additional Building Coverage which exceeds the ordinance adequate size for a 10,000 sq.ft piece of property. I am repeating what you told us previously tonight. So tonight you are here, asking for additional coverage, even though this property has exceeded the necessary square footage. Now I don't know whether this was, I don't believe was in front of us, when this was approved, the pergola. I don't know, I'm pretty sure I would not have voted for it, if it did come in front. So I'm assuming it went in front of the Planning Board. But the distance to the back, that's very short, a very small distance, it's 16 feet, a little more than half of the necessary 30 feet. I have to *turn* this application, and the changing of the pergola to a covered structure, which would now be way closer than, I think that I have ever approved anything in all the years I've been on this Board. But that's just my own opinion. I'm not sure that I can support this application. But maybe you can try again to ease my concerns based on the previous application from what this application.....

Mr. Maryanski esq. *described the property. The property is huge and the covered porch will have no visual impact. The Building Coverage variance is 1.85%.*

Mr. Kassis said it is a small coverage, but we are not talking about a small yard. We are talking about a yard way in excess of the 10,000. So the house was maximized when it was renovated. Now we are coming back, and increasing the maximum for a lot that is above the average in size, and we are looking to reduce to a 16.64 foot yard

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1409 Tomer Edry (cont.) 149 Palisade Ave B 92.08 L 28

Mr. Corona said may I ask a question.

Mr. Kassis said yes

Mr. Corona said this plan looks to be more detailed than the previous two.

Mr. Corona and Mr. Blake discussed the plan.

Mr. Kassis said are there any other questions or concerns that the Board may have regarding this application ?

Ms. Wehle asked what's behind this house in Cresskill ? Those people that want to build, that back would it impact another lot and home owner ?

Mr. Blake *explained that there would be no impact, because behind the house is a wooded area.*

Mr. Kassis said so if they wanted to put a cabana 16 feet from their property line and a pool, as you configured here. With the covered groove and everything else, we would now have the third 2 foot space between the 2 structures.....So Are there any other comments, concerns or questions for this application ?

Mr. Kassis said could we have a motion to either approve or deny the application as submitted.

Mr. McCord said what are the conditionals ?

Mr. Kassis said the condition is that approval would be conditional.

Mr. McCord said I will make a motion that to approve the condition to ask the Fire Department and the Building Department , regarding the distance between the pool, the overhang and the pergolas. Is the hex a plexus-glass pergola ?

Mr. Kassis said no it's a porch. So is there a second for this application.

Mr. Kassis said there is no second. Motion to deny ? We need a 2nd motion to deny the application.

Ms. Westerfeld said I will second to approve it.

Mr. Kassis said motion to approve the application with conditionals. Could we have a Roll-Call.

Roll Call taken.

Mr. Kassis and Ms. Wehle voted no

Mr. Cleary was recused.

Ms. Westerfeld, Mr. Corona, Mr McCord voted yes

The motion was approved.

Ms. Bauer said that is two 'no's' and three 'yesses'

Mr. Van Horne said that was a conditional approval subject to.....

Mr. Kassis said next on the agenda is the memorialization.

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Memorialization

1400 Joseph Cartagena 351 E. Madison B 91.05L20

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	50'	50'	NA	
Side Yard Abutting/Lot	30'	30'	NA	
Other Side Yard	30'	30'		
Combined Side Yards	60'	64'	NA	
Min. Rear Yard	75'	167'	NA	
FAR	20.1%	<20.1%	NA	
Height of Building	32'	32'	NA	
Lot Frontage	150'	173'	NA	
Lot Depth	200'	261'	NA	
Bldg. Coverage %	12.51%	28.1%	NA	
Impervious Coverage variable	35%	10%	NA	
LotArea	40,000 sf	40,151 sf	NA	
Fence Height	4'		6'	2'
Gates	75% open		70% open	

**Mr. Cartagena was granted the above variances to construct a fence and gate.
Arborvitae to be planted on the street side of the fence**

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Memorialization

1404 David Renner 15 Phelps Ave. Block 150 Lot 701

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	25.15'	25.15'	
Side Yard Abutting/Lot	15'	14.12'	14.12'	ENC
Other Side Yard	20'	12.19'	12.19'	ENC
Combined Side Yards	35'	26.31'	26.31'	ENC
Min. Rear Yard	30'	62.68'	43.75'	
FAR	30%	18.78%	25.71%	
Height of Building				
Lot Frontage	100'	60'		ENC
Lot Depth	100'	110'		
Bldg. Coverage %	20%	17.36	24.28%	4.28%
Impervious Coverage variable	33.9%	23.75%	30.15%	
LotArea	10,000 S.F	6,600 S.F		ENC

Mr. Renner was granted the above variance to construct an addition to the house at the above address .

ZBOA meeting was adjourned at 9:10 PM