

**Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 PM
Minutes June 22, 2023**

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

Absent : Mr.McCord, Mr.Bancroft , Mr. Sutera, Mr. Corona

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

Mr. Kassis said according to the Sunshine Law, the meeting was published in the Press Journal.

Ms. Bauer did the roll-call

The May 25, 2023 minutes were approved by Mr. Cleary and seconded by Ms. Wehl .

Application

1412 Amichai Levy 41 Crest Drive North Block 92.06 Lot 11

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	28.9'	25.4'	
Side Yard Abutting/Lot	20'	8.8'	9.2'	10.8'
Other Side Yard	15'			
Combined Side Yards	35'	24.9'	25.6'	9.4'
Min. Rear Yard	30'	33.9'	42.7'	
FAR	2362 sq.ft	1153 sq.ft	2015 sq.ft	
Height of Building	28'	N/A	23.75'	
Lot Frontage	100'	60'	60'	ENC
Lot Depth	100'	106.2'	106.2'	
Bldg. Coverage %	20%	17.2%	18.0%	
Impervious Coverage Within 125' lot line	33.9%	28.5%	32.3%	
Lot Area	10,000 sf	6,381 sf	6,381 sf	ENC

Amichai Levy, owner of 41 Crest Drive North Block 92.06 Lot 11 applied to the ZBOA to construct an addition.

Mr. Kassis instructed the witness to place the microphone on the table where you are standing so as to facilitate proper recording.

Ms. Vail Nuguid (architect) was sworn in and gave her credentials. She will represent the applicant. There is no council for this application.

1412 Amichai Levy (cont.) 41 Crest Drive North Block 92.06 Lot 11

Ms. Nuguid testified the property that we are representing tonight is 41 Crest Drive North, it is located in the R10 zone, Lot 11, Block 92.06. The current lot is not conforming as it exists, it is 6,381 square feet, where 10,000 square feet is required. We also have a non-conforming shape. The Frontage is 60' where 100' is required. I will give some background of the existing house.....We have a 1 and 1/2 story single family frame dwelling. There is a front porch.....as well as a covered patio in the rear. There is also a single story attached garage at the front end of the of the property. The attached garage is currently not conforming. There is a side -yard and combined side-yard non conforming condition that is created by the attached garage, although the main portion of the house does currently conform with the side-yard and the combined side-yard requirement. For this proposal we are seeking to add a six foot extension to the rear of the propertyWe are also proposing to replace the front covered porch with a new covered porchWe are removing the covered patio, which exists currently behind the non-conforming garage. We are also removing the frame shed from the property. We are proposing a new patio to replace the existing covered patio. It will be more central in the lot, and a little more aligned with the proposed arrangement that we are seeking in the first floor. On the first floor, as I mentioned earlier, we are proposing by the end of the year to *extend by 6'* that portion of the house.....*rattling of paper*.....We are also proposing to rip down the one car garage on the property. On the first floor we are extending the living room and the bathroom, and we are enlarging and renovating the kitchen and family area.....*rattling of paper*....we are converting one bedroom on the first floor into a study room or a home office or combination, and we are allocating the remaining space on the first floor for family room and kitchen area. The 4 bedrooms will now be located on the 2nd floor of the home. We have 4 bedrooms in the existing house, so we are maintaining the same number of bedrooms, for this application.. There is a master bedroom with a shared walk-in closet. There are 3 smaller additional bedrooms. One of the bedrooms has its own bathroom. The other two bedrooms will share a hall bathroom. Each of the other bedrooms will have a closet. This application is extending the 2nd floor over the garage. We are proposing to extend the entire 2nd floor over the first floor. We are putting a new addition on the 3rd floor. Entirely over the 3rd floor with the exception of the *front* wall which extends over the first floor.....it will still conform with the allowable building envelope for this property. We did this because we thought it was necessary to do a lot of area that we thought was adequate for this number of bedrooms and also thethat was part of the bedrooms. I also want to mention that if you look at your zoning application, although I mentioned earlier, that we are planning to extend.....into the non-conforming front yard variance. For the side-yard we are proposing 9.2' for the 2nd floor where 8.8' exists on the 1st floor; and that is because there is a brick veneer that exists along the entire 1st floor. We are not proposing to extend the brick to the 2nd floor. *There is improvement to the side-yards. Combined Side-Yard variance was 10.1' and the proposed variance is 9.4'.*

1412 Amichai Levy (cont.) 41 Crest Drive North Block 92.06 Lot 11

If you take a look at the exterior of the house*described design strategy that minimizes the visual affect of the addition.....* Although we are seeking Side-yard variance and Combined Side-yard variance *The garage and the addition that we are proposing over the garage is set-back about 13' from the main part of the house. It will be part of the innovation of the addition on the 2nd floor.*

If you have any further questions or comments. I will be happy to answer them.

Mr. Kassis asked to go back to the page showing the elevations.

Mr. Kassis said that on the proposed 'Right Side Elevation' there are zero windows shown for the proposed 2nd floor addition.

Ms. Nuguid said we are complying with the client's requirements of 4 bedrooms. From the client's perspective we were trying to maintain, because we have fairly moderate bedroom sizes for furniture and whatever else. We did take advantage of the perimeter walls. We are showing the minimum requirements forwindows in the front and in the rear of the property but we have noon the other side of the property. It's a very narrow lot and there is not much space between.....on each side.....

Mr. Kassis said.....the 2nd floor addition should have windows. *While the area is at very close proximity to the side, the other part of the 2nd floor addition is not. Yet the section closest to the street is at a much larger distance*

Ms. Nuguid said I have the home owners here, they are open to.....We are re-designing the side wall. Adding windows is something that would enhance, or improve the application

Amichai Levy said Ok.

Mr. Kassis *commented on the design of the addition and how it fit into the neighborhood.*

The roof line extending way beyond the current roof line of this structure, which is getting very close to the side-yards. Has any thought been given to minimizing.....by using a Hip roof versus a Gable roof ?

Ms. Nuguid said *I think in terms of design a Hip roof.....we just thought it would be natural for the house to have.....The Hip roof would be more conforming in the neighborhood. We would be open to incorporating a possible Hip roof.*

Mr. Kassis *commented on the design.*

Mr. Kassis asked *if there was any intention to closing the porch in front at any time ?*

Ms. Nuguid said not to our knowledge, no.

Mr. Kassis asked you are removing the porch in the back ?

Ms. Nuguid said yes. It's not visible in the elevation, but there is a covered patio that exists. It's actually directly behind the garage.....

Mr. Kassis asked are there any other questions ?

Mr. Van Horne Esq asked Ms. Nuguid do you need to talk to the home owner with regard to stipulations that you were modifying the plan as discussed with the Chair ?

Ms. Nuguid agreed.

1412 Amichai Levy (cont.) 41 Crest Drive North Block 92.06 Lot 11

Mr. Van Horne Esq said take 5 minutes.

Ms. Nuguid (after consulting the applicant) said yes, she was on the phone with the applicant and he is willing to add the additional windows to the bedrooms, as well as converting the rooms over the addition to raise the roof.

Mr. Kassis asked just for the record, how many windows are we talking about on the right side elevation, where currently none exist ?

Ms. Nuguid said.....two new windows plus a window to the rear of the toilet....

Mr. Kassis asked what about the other side ?

Ms. Nuguid said two small windows on the other side.....

Mr. Kassis said.....that would be four windows on the left side and three on the right side.

Ms. Nuguid agreed.

Mr. Kassis said all on the 2nd floor.

Ms. Nuguid agreed –all on the 2nd floor.

Mr. Kassis asked is there anyone in the audience for or against this application ?

Mr.Changsoo Kevin Moon of 45 Crest Drive N introduced himself.

Mr.Changsoo Kevin Moon was sworn in.

Mr.Changsoo Kevin Moon said I don't care about the building. New building or modified building , I am fine. Because I have plans to enlarge my house too.....So that's why I have a good relationship with my neighborhood . Privacy is the first priority, because the distance is very narrow. Less than 10'. So in order to avoid any kind of interruption, I would plant a tree along the boundary. It is \$6000 for a tree.

Mr. Van Horne Esq said we will save your testimony.....the trees that you planted as a screen between your properties.

Mr.Changsoo Kevin Moon said.....*the windows on the 2nd floor on this side are too close. Are interrupting the privacy.....properties are too close.*

Mr. Kassis said in regards to the distance, the distance of the garage to the boundary is 9.2'. *There ensued a 5.2 minute discussion between Mr. Kassis and Mr.Changsoo Kevin Moon as to whether, and how, the proposed windows, on the proposed right side elevation, could threaten his privacy. Mr. Kassis used the plans to show that the distances from the proposed windows were adequate to protect Mr. Moon's privacy. Mr. Moon was not satisfied. The issue was not resolved.*

Mr. Van Horne Esq said to Mr. Moon : you have recourse. There are Town Ordinances and State Laws that you can pursue but we cannot help you with that.

Mr. Kassis asked anyone else from that location that wants to be heard ?

No response. Any other questions , comments or concerns ?

Mr. Kassis said If not, can I have the Motion to Approve the amended application.

Mr. Cleary made the Motion to Approve.

Ms. Wehle seconded.

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Vote was taken. Motion passed

Mr. Kassis said the application has been approved with modification,

Mr. Kassis instructed the applicants as to memorialization.

Mr. Kassis said next order of business is memorialization.

To memorialize an application, Mr. Van Horne Esq read the variances from the application Zoning Table, whereupon a vote was taken. If there was no objection from the Board, the application was deemed memorialized

Memorialization

1410 Bergen Dwelling LLC 79 6th Street Block 61 Lots 1077 & 1078

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	16.1'	16.1'	8.9'
Side Yard Abutting/Lot	15'	9.8'	9.8'	5.2'
Other Side Yard	20'	9.7'	9.7'	10.3'
Combined Side Yards	35'	19.5'	19.5'	15.5'
Min. Rear Yard	30'	54.3'	52.3'	
FAR	39%	15.8%	33.16%	
Height of Building	28'	22'	28'	
Lot Frontage	100'	50'	50'	ENC
Lot Depth	100'	100'	100	
Bldg. Coverage %	20%	19.5%	21.08%	1.08%
Impervious Coverage Within 125' lot line	35%	46.4%	46.64%	11.64%
Lot Area	10,000 sf	5,000 sf	5000 sf	ENC

Bergen Dwelling LLC was granted the above variances to construct a 2nd floor

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Memorialization

1411 Barbara Schultz 141 12th Street Block 143 Lot 230

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	28'	28'	
Side Yard Abutting/Lot	15'	15'	12'	3'
Other Side Yard	20'	24.5'	15.5'	4.5'
Combined Side Yards	35'	39.5	27.5	7.5'
Min. Rear Yard	30'	44.4'	38.08'	
FAR	31.62%	20.27%	32.14%	0.52%
Height of Building	28'	22.5'	27.31'	
Lot Frontage	100'	90'	90'	ENC
Lot Depth	100'	100'	100'	
Bldg. Coverage %	20%	16.16%	23.42%	3.42%
Impervious Coverage variable	30.9%	25.7%	36.58%	5.68%
LotArea	10,000 S.F			ENC

Ms. Barbara Schultz was granted the above variances to construct an addition, shed, Driveway expansion and deck.

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Memorialization 1406 (revised 6/12/2023)

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

Description	Required	Existing	Proposed (April)	Variance (April)	Proposed (June)	Variance (June)
Front yard Set Back	25'	25.24'	28.38'		28.38'	
Side Yard Abutting/Lot	15'	10.22'	10.22'	4.78'	10.22'	4.78'
Other Side Yard	20'	20.12	18.36	1.64'	18.36	1.64'
Combined Side Yards	35'	30.34'	28.58'	6.42'	30.34'	4.66'
Min. Rear Yard	30'	42.26'	28.46'	1.54'	30.10'	
FAR	31.62%	11.28%	38.7%	7.08%	36.37%	4.75%
	2544 sf	976 sf	3348 sf	804 sf	3146 sf	602 sf
Height of Building	28'	20'	27.75'		27.75'	
Lot Frontage	100'	90.49'	90.49	ENC	90.49	ENC
Lot Depth	100'	91.74''	91.74'	ENC	91.74'	ENC
Bldg. Coverage %	20%	16.03%	24.0 %	4.0%	22.9 %	2.9%
	1730 sf	1387 sf	2076 sf	346 sf	1980 sf	250 sf
Impervious Coverage variable	30.9%	29.94%	35.82 %	4.92%	34.7 %	4.2%
	2673 sf	2590 sf	3098 sf	425 sf	3002 sf	329 sf
Lot Area	10,000 S.F	8,650.2 sf	8790.2 sf	ENC	8790.2 sf	ENC

Kish Kush LLC (Avi Lavon) was granted the above variances to construct an addition, a patio and a deck.

Mr. Kassis said there being no further business in front of the Board can I have a motion to adjourn.

Mr. Cleary made the motion to adjourn.

Meeting adjourned at 8:07 pm.