

**Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 PM
Minutes Aug. 24, 2023**

other members will have to listen to the testimony and then they will be allowed to vote in the September meeting on the FAR, or on all the variances. Okay ?

Mr. Capizzi said Thank-you Mr. Van Horne. If I may just elaborate a little further. I only stood for the routinely *years* applications for single family homes. Sometimes they had FAR variances, sometimes they had code variances, sometimes they had both. In an existing single family dwelling there is no issue with this court hearing that application, where an FAR variance, and other code variances are involved. The difference between an existing single family home application and this one, is this one is a new home. My position has been that a new home or an existing home should not change the jurisdictional issue, but I respect Mr. Van Horne's opinion on the Board's procedure and history procedure. So we thought it best just to take a moment. Lets get some of the design tasks before we finish up this evening. Take a moment to collectively go back to our own offices: myself, Mr. Greenhorn, Mr.....to talk about the jurisdictional issue. If it is the consensus that we just have FAR variances before this Board, great, we'll just finish the presentation and have that variance before the Board. If it's the determination that all the variances will be collectively before the Board, great, *we will have a presentation based on that application*, but as far as the procedure from us, we'll have all that worked out for the next meeting. The Board is also aware, because this is a FAR variance, the Law requires me to get five affirmative votes, regardless of how many members are in attendance. I need five 'yes' votes. Since there are only five members in attendance this evening, it would be the applicant's preference to come back when there are a full composition of Board sitting members and would take a vote. So, hopefully, carrying the application to September, or such a date as may become available, we can get full membership here. It's possible and we'll have, and we'll have that procedural issue sorted out as well. It took some time to sort out that issue. *Mr. Rathway*, I believe we were discussing the Front elevation, if you wouldn't mind, taking us back to the beginning of the front elevation and explaining to us some of the attributes.

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1414 Ofer Sharon (cont.) 4 Fenway Court Block: 200 Lot: 18

Mr. Rapaport said OK. The shape of the house makes it look smaller. I tried to create a house that would not impose on the property because of the narrow opening to the street.

Mr. Rapaport described what the plan is for the appearance of the front elevation, Including the use of stucco on the wall.

Mr. Capizzi asked about any other treatments that maybe applied to the windows, or detailed arrangements that may be provided.....

Mr. Rapaport described additional features .

Mr. Capizzi said as far as the 1st floor, I know there is a dining-room door where we have to walk out to a pool, a patio area and a pool. Can you discuss with us a little bit about the flow, what you were looking to achieve there, off the first floor, how that leads to the elements in the rear yard.

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Mr. Rapaport described the features and layout of the Back-yard.

Mr. Capizzi said the patio area and pool are directly off the living / dining room area.

Mr. Rapaport explained the design.

Mr. Capizzi said Thank-you Uri. I have no further questions Mr. Chairman.

Mr. Kassis said Okay. I'll try to address just with the design of the house. In particular, you have a request for FAR of 2.27%. Which may seem small or narrowly on the normal rectangular lot. The particular concern, we typically have here, is the Rear Set-back, especially how it intersects other homes. You have Lot 2 and Lot 3 which abut the property on the left-hand side or the south side . What is the distance, are you aware of the distance between the shared property line, and the houses where they are currently located on lot 2 and 3 ?

Mr. Rapaport said we don't have the full plan of this house, so if you are asking me how far they are from their *border* ?

Mr. Kassis said yes.

Mr. Rapaport I don't have that information at this time.

Mr. Kassis said OK. If you reduce the total size of this house by 2.27. That could be used to reduce the overall rear variance. Could it not ?

Mr. Rapaport said *yes, that would reduce the 2nd and 3rd floor as well.....Actually we can reduce the 2nd floor and keep the footage of the 3rd floor as well.*

Mr. Kassis said so would that affect the rear set-back?

Mr. Rapaport said in this case it is very difficult to design a house that we have 2 rear set-backs.....This is the longest lot line that we have,..... leaves us a building envelope that is very narrow and long. Very challenging to design anything. Its like a railroad type house. That's why we are asking for variances. Also, it is unusual for a lot to have 2 rear yards. So to the extent that we have more room and we can keep the house closer to the street, so we have something very long and narrow.

Mr. Rapaport indicated the measurements on the plan used in the design.

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Mr. Kassis said my one concern is that the 20' here is difficult to track.....Considering the depth of the lot, the depth is not unusual. That's one concern. Shrinking that back could be used to eliminate the two points.

Mr. Rapaport said eliminate the Rear Set-back.

Mr. Kassis said reduce the Rear Set-back.

Mr. Rapaport said to comply with the two rear set-backs, that would be impossible..... could we make it more than 15. The answer is yes.....I don't know how much it would be.....

Mr. Kassis said it would be a challenge, where there is a will there is a way. While there is a house there now, while there very long time, it is relatively in compliance with the Zoning requirements. So, both houses were designed to change on bigger lots there is a lot more

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flexibility. Unusually shaped lots like this, sometimes require thinking outside the box. And my question, which may not need any answer tonight, would be, if you reduce that set-back by some amount, that would eliminate the 2.27%, how much would that yard be ?

Mr. Rapaport said.....

Mr. Kassis said OK, that is one concern. The other concern which would be on the right side of the property, would be north, where you show 15 foot to the house but to the basement stairs there is 6' . What is the distance from that property line to the house next door , to the neighboring house ?

Mr. Rapaport said.....Lot 17.....

Mr. Kassis said both of these things would be very important information in making a decision. Whether or not that house happens to be close to that odd box shape in that neighborhood. If that house to the right on Block 200, also has a very narrow yard, it would be very difficult for us to approve something that would give the extremely narrow area. Part of the application, does ask whether the proposed distance between the house and the adjoining structure. And when I take 30 and 57, I'm not sure which one is black. Is this lot 19? White is Block 200? You know, we have so many rights and lefts here, So many back yards. What are these two numbers, Right 30 and Left 57.

Mr. Rapaport replied.Lot 17and Lot 51.....

Mr. Kassis said Maybe I will ask this question to the Planner. This is not to deal with the design. There is the basement stairs going at that location. Irrespective of the distance between the structure next door. Those leave a very narrow space with those bushes there. Are those trees or arborvitae along the right wall ?

Mr. Rapaport said cedar trees.

Mr.Kassis said they are cedar trees.

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1413 Sally Cummings & TJ Gndling 168 10th St. Block: 43 Lot: 841

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'			
Side Yard Abutting/Lot	20'			
Other Side Yard	15'			
Combined Side Yards	35'			
Min. Rear Yard	30'		27.18'	2.82'
FAR				
Height of Building	28'			
Lot Frontage	100'	75'		ENC
Lot Depth	100'	75'		ENC
Bldg. Coverage %	20%		27.24%	7.24%
Impervious Coverage Within 125' lot line	33.9%			
Lot Area	10,000 sf	5625 sf		ENC

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Sally Cummings & T.J Gndling were granted the above variances to construct a deck