

**Zoning Board of Adjustment
Public Meeting
Minutes Oct. 25, 2018**

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

Absent:

The meeting was called to order at 8:00 pm.

Ms.Furio announced that the meeting had been published as required by the Sunshine Laws of the State of New Jersey.

Minutes of the Sept. 27, 2018 meeting were approved. (Mr. Kassis, Ms. Schultz-Rummel)

Ms. Furio announced that at the request of the applicants, Case # 1334 would be heard after Case #1335.

Applications

1333 Vincent Carbonell 62 Jackson Drive B 301 L 14

Description	Required	Existing	Proposed	Variance
Max. Fence Height	4 ‘		Sloping height, highest point 9’3”	5’ 3”
Max. Wall Height	4’		Varying height, highest point 7’ 3.5”	3’ 3.5”
Min. Roadway Setback	25’ from road		Not specified	Must comply

The applicant proposes to construct a wall and gate

Mr. David Watkins (attorney) will represent the applicant.

The application was carried from the Sept.27, 2018 ZBOA meeting

Neither the applicant nor his representative was present. The application was dismissed.

The application was subsequently carried when an email, from Mr. David’s office, dated Oct. 25, 2018, was found requesting that the case be carried the November ZBOA meeting.

1335 Ohad Ashkenazi 67 Cedar Street B 54.01 L 71-72

Description	Required	Existing	Proposed	Variance
Impervious Coverage	Variable 35%	41.5%	48.64%	13.64%
Driveway Encroachment	10’ min.from Side Yard	10’	2.16’	7.84’

The applicant proposes to expand the driveway.

Mr. Kassis recused himself since he was within 200’.

Mr. Dean Stamos, attorney, introduced himself as representing the applicant, Mr. Ashkenazi.

Mr. Stamos thanked the board for hearing the case out of order at his request.

Mr. Stamos said that Mr. Ashkenazi was here with his family. He has basically a need to widen his driveway to accommodate his own family and their vehicles. The variances for maximum Impervious Coverage and minimum driveway set-back. The property is very narrow. Only 50’ wide but goes back very deep- 255’.

Mr. Ohad Ashkenazi was sworn in.

Mr. Ashkenazi testified that he lives at the property with his wife and 3 sons. If we try hard we can fit 2 cars, but then we can’t take the garbage out, we have to reverse one car out in order to take the bin and also we have to go down the stairs straight into the door of the car. If there is

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only one car in the driveway, we can avoid going down those stairs but now there is no over-night parking. We have to reverse each time in order to take the other car out.

Mr. Stamos said it's a very narrow driveway and you have difficulty maneuvering the car, and in daily use such as taking the garbage out. This expanded driveway will allow you to make life much easier for you.

Mr. Ashkenazi said will make our life easier and also our neighbor. When we do park the car outside, its enough for one other neighbor to park their car out, because of the structure of the road, other, bigger vehicles have to stop maneuvering. We see them resulting into our neighbor's parking in order to be able to take the turn.

Mr. Stamos said with your expanded driveway, you would have less of a need to park a vehicle outside.

Mr. Ashkenazi said yes, and right now its hard as it is , and once one of the kids will have his own car, there is absolutely no way to fit it at all. With the winter coming and snow , we are desperate for more parking space.

Mr. Mark Martins (engineer) was sworn in and gave his credentials.

Mr. Martins testified that his firm had surveyed the property and prepared the site plan which is submitted to the board.

Mr. Martins displayed the Site Plan on the easel,

Mr. Stamos asked is this the same plan as submitted to the board ?

Mr. Martins said yes it is.

Mr. Stamos asked and you are full familiar with the subject property and the area ?

Mr. Martins said yes.

Mr. Stamos said can you just describe the property for the board.

Mr. Martins said the property is on Cedar Street. It's a single family house owned by Mr. Ashkenazi. It has a width of 50' but it is a very steep lot. It has the depth on the southerly side of 255.5' and on the northerly side of 255.6', having a total area of 13,230 sq.ft. The lot is situated in zone R-10, which requires a 10,000 sq.ft lot with a width of 100' and depth of 100'. Non-conforming in lot width but excessive depth. Because of the width it does provide some hardship for the applicant. The existing driveway is only about 9' in width. It lines up with the existing dwelling which is situated 10' from the property line. The driveway is on the left side of the property. What we are trying to do is provide for some additional width of the driveway to allow for 2 cars to park side by side. To provide for greater maneuvering in and out of the driveway, also to allow for some guest parking in the driveway. Cedar St is a very narrow street, the right of way width is only 30', the paved width is 22' to 24', so its very narrow, its very difficult to have a car parked on the street, to maneuver around. So the extra width of the driveway, where it would allow the owner/applicant to have again greater maneuvering into his driveway. Backing out into the street without effecting anybody enhances the overall egress and regress onto his property. However it does create 2 variance conditions. The first is the minimal dimension from the side property line to the driveway which is 10'. We are proposing a set-back of 2.16' on the southerly side of the property adjoining the lot to the south. That one, however, has a driveway on the same side that curves around to the south, that building is situated very far back from the street line - the front of that house lines up with the back of our property's dwelling structure. The impact on that property is minimal. There is a fence that runs along the property, you cannot see the driveway from that property. The grading is such that we do have to perform a little bit of an excavation. The property slopes up from Cedar St to the garage. There is

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an existing wall that runs along the side. We will have to re-locate that wall over to the side property line, that will be no more than 2'4" in height. The minimal regarding basically is pushing it over a little bit to provide some increased width. So our overall width of our driveway now will be 18'. A more desirable driveway width would be 20'(or something like that) but we don't have that room. With the 18' width we provide sufficient width to park 2 cars and still have somewhat of a buffer to that property line.

Mr. Stamos said we really couldn't go to the north side.

Mr. Martins said we looked at that. There is some topographical change to the property, The current driveway comes in off of Cedar St. but rises up to the garage level. On the right side the elevation is even higher. The wall runs along the right side of the driveway with steps to go up to the front entrance way. There is a steep slope that comes up from the street up to that front area of the property. There is also a fairly large tree in that area. So widening to that side would really create quite a disturbance . A lot more soil movement, a lot more retaining walls, and even perhaps restructuring or reconfiguring the existing front entrance porch. So although this creates a variance for side yard set-back, it has much less of an impact, much less of a disturbance on the neighborhood. The other variance is Coverage variance. The Impervious Coverage requirement. The existing coverage, not including the proposed driveway addition, is 41.51%. Now your ordinance requires a maximum of 35% but we only allowed to count the first 125' of lot depth in the computation. Our lot has the non-conforming width of 50' where 100' is required. We have that excessive depth but unfortunately, we can't use that extra depth in the computation of our coverage. So our existing coverage is non-conforming. You are adding about 445 sq.ft in additional impervious area, so that will increase the existing non-conforming, and that number will come out to be 48.64% which is the variance where 35% is the maximum required.

Mr. Stamos said in terms of the variances, would you say they were basically created by the unique shape of the property.

Mr. Martins said yes

Mr. Stamos said, and also as you mentioned, the difficulties with parking on the street and the difficulties the applicants have, the benefits would outweigh any detriments....

Mr. Martins said absolutely, I think that this is a positive development. It provides extra parking off street. It provides for greater maneuvering. It is less disturbing in the way we situated the expansion is a positive beneficial aspect.

Ms Furio asked is the addition macadam ?

Mr. Martins said yes, the existing driveway is pavers. When we rip up the old driveway we will replace it with macadam.

Ms. Furio asked because its on such a strong slope, will the retention system be enough to accommodate the water run-off and not have it run-off into the street and then straight down Chestnut.

Mr. Martins said yes it will. We have a trench area cultic master driveway to intercept any run-off coming from the new Impervious area. We're proposing Retention System and we also have to have a catch basin from the property so if necessary we could revive the overflow in the existing catch basin.

Ms. Furio asked about the steps to the back from the driveway.

Mr. Martins said yes, they provide access to the rear yard on the left side.

Ms. Furio asked does the board have any questions or comments ?

Ms Batistic said there seems to be a fence on the south property line.

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Mr. Martins said yes, about 2.5' high.

Ms. Batistic said and there is a driveway south of this wall correct ?

Mr. Martins said not parallel to the property line. The driveway starts about 5' south. Its almost like a circular driveway that curves away into the south.

Ms. Batistic said but this fence prevents anybody from falling onto the driveway.

Mr. Martins said that's correct.

Ms Batistic asked what would be the coverage if you were allowed to use the entire lot area ?

Mr. Martins did the calculation

Mr. Martins said 23%.

Ms. Furio asked does the board have any questions or comments ?

Ms. Westerfeld asked did you consider having your driveway be narrow at the bottom and then coming out ?

Mr. Martins said that would make it difficult to back out if you have the cars parked side by side. If we were to narrow it down and make it further away from the property line on that left side and make it 10'. Then the car parked on that left side would have a difficult time maneuvering out of the driveway.

Ms. Furio asked is there anyone in the audience for or against this application as presented? Anyone on the board ?

Ms. Furio said the driveway goes straight back...you've got your water retention, drains..

Mr. Martins said we will have a curb on the edge of the driveway.

Ms. Furio said would someone like to make a motion to approve or deny the application as presented.

Mr. McCord made the motion to approve.

Mr. Cleary seconded.

The Board voted.

The application was granted

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1334 Melissa and Danny Panarotto 164 14th St. B14 L 127

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	29.33'	29.33'	
Side Yard Abutting/Lot	15 ft	19.7'	5.62'	9.38'
Other Side Yard	20 ft	9.67'	9.67'	10.33'
Combined Side Yards	35 ft	29.37'	15.29'	19.71'
Rear Yard Set Back	30 ft	58.67'	42.78'	
Max. Livable Fl. Area (FAR)	37.02%	16.08%	26.4%	
Lot Frontage	100'	60'		TECH
Lot Depth	100'	127'		
Bldg. Coverage	20%	16.22%	26.89%	6.89%
Impervious Coverage	33.9	32.44%	38.5%	4.6%
Height of Bldg	28'	22'	22'	
Lot Area	10,000 sq.ft	7,620sq.ft		TECH

The applicants propose to construct a new addition.

Hayk Ekshian (Architect, Spence & Mark) represented the applicants.

Mr. Hayk Ekshian was sworn in and gave his credentials.

Mr. Ekshian testified that the project is broken into 2 phases. At the start of the project we will do a small one room addition. Once the construction is started, we discovered there was a lot of termite damage in the back of the house and sections of the house would have to be redone . At that point my clients decided to build the addition to accommodate their growing family which is something they were thinking of doing. So at that point we decided to move forward....It turns out that the cape-cod has two small bedrooms on the first floor. It has a kitchen and a living-room and a small dining room in the back. We want to enlarge this, add a family room in the back, enlarge the dining-room and kichen. Make it more usable for them. The current lot size is 7,620 sq.ft and the required area is 10,000 sq.ft. The current lot frontage is 50' and the required is 100', so the lot is undersized for this area- that is our hardship. Because of the under-sized lot, the ... is all we could fit to comply with of the zoning requirements... Today, we are asking for a variance for the garage on the side of the house and a mud room and a laundry room behind that. Without the variance, all we can do at this point is cut back the driveway and take out the detached garage in the back, which is actually too close to the addition. In that case, all we could have is 2 parking spots in the front on the driveway. It would work if we had a detached garage that would requires us to have a driveway to go all the way back to the back of the house and we would have to appear in front of you again for an impervious....variance. For that reason, the convenience of my clients, we want to have a detached garage and the laundry and mud room. We are not changing the second floor. On the 2nd floor we are not proposing any changes. We are keeping the 2 existing bedrooms and the existing bathroom. Because of that, the front elevation is going to stay pretty much the same as the existing house. From the front you will have a one story garage to the right of the house....set back about 5'. Here you can see the elevation which is the front view that says the garage on the side and this is the rear view where we are proposing a patio door going down to the back-yard and this is the other side. The small lot size that's

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creating a hardship for us, we are asking these variances. If you have any questions, I would like to answer them.

Mr. McCord asked just for clarification, did you initially say this was going to be a mud-room expansion or addition and now its become quite a lot larger?

Mr. Ekshian said right because once they started the project because of all the termite damage in the back walls of the house would have to be redone. Since they were going to spend all that money and they were thinking of doing an addition next year, that plan got pushed forward to now.

Ms. Furio asked where was the mud room going to be ?

Mr. Ekshian said it was just going to be a mud-room because that was all we could afford to put in without a variance. Because anything we could get had to be 10' away from the detached garage.

Ms. Furio said when you started that you found the damage which requires extensive renovation to fix that part. Once you are already doing that, then you decided to put everything together . Are you intending to do all of this construction at once? The back section as in phase 1 and phase 2 Do one and then immediately go into, or wait a little while, and just want approval for it now.

Mr. Ekshian said if the board approves our application, they will continue finishing the whole project at once.

Ms. Furio said the detached garage is coming out, and that part of the driveway is coming out. So a one –car garage. What is the shape of the driveway. The way it is now- its one width back there.

Mr. Ekshian said right, its larger towards the front, we are going to keep the existing shape of that. We are going to cut it where the new garage starts.

Ms. Furio elucidated Mr. Ekshian's description.

Mr. Corona said you have in the notes here, existing driveway to be modified. How is it going to be modified ?

Mr. Ekshian said the existing part will be removed. That's the modification. Over here we may repave the section, The shape is going to stay the same.

Mr. Kassis said on the north (left) side of that drawing, could you be more specific on what is happening with the current building line versus the proposed building line.

Mr. Ekshian said the current building is over the set-back line so the set-back requirement is 15' from inside and the current house is over the set-back lines. So we are losing- the existing house is existing non-conforming condition over that set-back line. The new addition will be within the set-back lines So we are conforming with the side-yard set-back line requirements.

Mr. Kassis said to re-cap, you are not changing the northern wall.

Mr. Ekshian said we are not. It's the same wall.

Mr. Kassis said we have a lot of applications that come across this board, many of which go straight back and have additions to the top which gives adequate room for building addition. Have any thought been given to that without encroaching on the south side so significantly.

Mr. Ekshian said the reason that we are encroaching to the south side is because of the location of the garage. We can't put it anywhere else but the side yard. If we were to go to the rear yard that causes other problems for my client. Having a detached garage in the back is going to take away from the back-yard. Its also going to create more Impervious area, its harder to clean the snow. It's the better option to have the garage on the side yard.

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Ms. Furio said its just a one car and its extra long because of the mud-room and the laundry room.

Mr. Ekshian said yes

Ms. Furio said the rear addition is just one level.

Mr. Ekshian said yes, it is.

Mr. Corona asked where is the house located on the adjacent property on the right side ?

Mr. Ekshian said it's the north side. I think it is more or less in line with the house. I don't know how far away it is from the property line.

Ms. Furio asked and you are intending to keep it as one level and not a second level ? Why did you intend to keep it down to one floor instead of going up on top ?

Mrs. Panarotto was sworn in.

Mr. Van Horne asked what is the distance from the property line of the house to the north.

Mrs. Panarotto said I don't know the answer.

Ms. Furio asked why (are you building) out and not up.

Mrs. Panarotto said to be very honest with you, this all happened quite fast. When we decided to do some minor work and we started seeing all the damages, things went into a snowball effect. I have a one year old and a four year old, so it was just lets do what we have to do. Now we went into plans. This was really nice. We lived in the house for 2 years. We were downstairs, the kids were upstairs and it worked. So additionally it was what we do because we are growing, a lot more stuff is coming into the house , we need more room as a family , A family room was just a better option. I don't foresee us right now, in the near future going up- financially especially. This just works for us. We didn't realize how much we need a garage until we had a lot of power wheels and snow blowers and everything else that comes along with it. So the garage is just more room for us to have. Going up now is not an option.

Ms Furio asked has anyone on the board have anymore questions and comments ?

Mr. Kassis said as I said before, the option going up is better than encroaching to the property line on the right, where there is open space at this point.. The idea of coming to the board is to present options. You've given only one plan with no other options. Personally I have an issue with that.

Ms. Furio asked is there anyone in the audience for or against this application – questions or comments ?

Mr. Edward J Wilkin III (158 14th St) was sworn in.

Mr. Wilkin testified that his property, is abutting that of the applicant, and bears the most impact from this whole operation,

Mr. Van Horne asked to the north ?

Mr. Wilkin said we are to the south. On the garage side.

There was a discussion among the board members on the location of Mr. Wilkin's property.

Mr. Wilkin said for the sake of safe egress and access , emergencies, vehicles or service, any problems that need to be taken care of at the house or to exit the house, it is prudent that this alteration be approved.

Ms. Furio asked how far are you from the existing house ?

Mr. Wilkin said you have that on your plans

Ms. Furio said no , we don't know how far you are from the existing house.

Mr. Wilkin said right now

Ms. Batistic said there is a patio there it says 'Blue Stone Patio' on that side. Do you have that ?

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Mr. Wilkin said patio walkway.

Ms. Batistic asked how wide is that patio walkway ?

Mr. Wilkins said it's a walkway- 36".

Ms. Furio asked what is your comment about egress and emergency vehicles .

Mr. Wilkin said that it should be approved so that we can say where the property is most impacted from... this being approved.

Ms. Furio said so your only concern is to make sure there is still space between the properties and the building.

Mr. Wilkin said that's correct and its also for our sake the egress and access emergency vehicles. It would aid and add to our egress and access.

Ms. Furio asked are you having an issue with this or you're not, I just want to make sure.

Mr. Wilkin said I said I am for this, I said that it is prudent to approve this.

Mr. Van Horne asked how would it aid in the access and egress ?

Mr. Wilkin said it would give a wider access to both houses- in an emergency every second counts.

Mr. Kassis said are you aware that the side yards are going from 19.73' to roughly 5'.

Mr. Wilkins said yes I am.

Mr. Kassis said narrowing versus enlarging.

Mr. Ekshian said at the point where our property is the most open, therefore it doesn't encroach on a dimension that would hinder access or egress.

Ms. Furio asked anyone else in the audience for or against the application as presented ?

Mr. Ekshian said may I make a correction. I said that the existing driveway wasn't going to be changed. Up here there is a section of the driveway that may need to be widened to match the width of the door. I think that was not shown correctly on the site plan. That's a minimal change.

Ms. Furio asked does anyone on the board have any questions or comments.

Mr. Kassis said I still have an issue with the side yard. There is no offering of any changes in respect to this application.

Mr. Ekshian said the reason that they are not going for a second floor addition is they want to enlarge their family space rather than the number of bedrooms which is what we would put on the 2nd floor. In order to enlarge the living space we need to make the 1st floor larger so that it is a better space. In that case we can't have any option but to put the garage on the side yard. Given the location of the existing house, I don't see other than going all the way back to the back-yard. I don't see any other option of spinning that garage.

Mr. Kassis said there are houses in Cresskill with garages in the back-yard.

Mr. Ekshian said right so I believe there are 2 options of having a garage: one in the back or one in the side-yard. Out of the 2 options the attached garage would be a better option then the one in the back. Because of the loss of space from the back-yard and the excessive driveway, going all the way there, and also, we would also have to appear in front of you for Impervious Lot Coverage. We would be increasing the Impervious area of the property.

Mr. Kassis said you are here for Impervious Coverage.

Mrs. Panarotto said please excuse us we are first time home-owners and we never expected to do this so quickly. So we are a little inexperienced when it comes to variances and paperwork. The main reason that I fell in love with this house is because I wanted a family and a nice back-yard for our kids to run around in. So I did not think of putting the garage all the way far back because that would take away a lot of our back-yard. Doing the addition still gave us a nice sized

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back-yard for the kids to run around and play, have a party with friends and stuff. Putting a garage all the way back would take away a lot of our back-yard. So, honestly, no. I didn't even think of putting a garage all the way back to give you another option. We want to attach a garage. Something we always wanted to do. We have opportunity now since our other ... standing already is pretty much possible....termites damage....This was just a better option for our family. I spent many nights thinking about it, trying to figure out what to do and this is what we came up with.

Ms. Furio asked anyone want to make one more comment ?

Mr. Wilkin said yes, as far as the alternative option proposed- putting the garage all the way in the rear, there is a number of issues there: the first issue is that you will see on your geographic plans that there is a water stream in the back of the houses there which is where I believe you are proposing a garage. That becomes ground-coverage over that area would encroach on the water, saturating the ground . Second, extending the driveway that long would cover more surface area which would impede drainage again- covering ground from water absorption. Thirdly, putting a garage back there would abut close to our garage which would then become a safety issue as far as a problem with a fire or something that had to be contained from our garage or that garage, would be a safety issue.

Ms. Furio and Mr. Van Horne thanked Mr. Wilkin

Ms Furio asked anyone on the board has any other questions or comments ?.

Ms. Furio asked would anyone like to make a motion to approve or deny the application as presented ? With the little bit of a change on the driveway section which wasn't shown. To kind of square it up with the front of the garage.

Mr. Kassis made a motion to deny.

Mr. Cleary seconded .

Ms. Furio said Roll Call please. Answer "yes" to deny.

Mr. Kassis said if the motion to deny is not passed, another motion must be made to approve.

Mr. Van Horne agreed.

The motion to deny was not passed.

Ms Furio said is there a motion to approve the application as presented ?

Ms. Batistic made a motion to approve.

Mr. Corona seconded.

Ms. Batistic said Yes, I just want to comment: I don't like the side-yard of 5.62', however the Impervious area is almost at the requirement. If the garage is pushed to the back, there will be additional driveway and there will be more Impervious area on the lot. The lot is small to begin with. That's why I vote 'Yes'

The Application was Granted.

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1336 Norval Properties 285 Brookside Ave. B192 L 93

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	30.6' Brookside 32.8' Woodland	25.9' Brookside 32.8' Woodland	
Side Yard Abutting/Lot	15 ft	15'	21.5',	
Other Side Yard	20 ft			
Combined Side Yards	35 ft			
Rear Yard Set Back	30 ft	16.4'	15.2'	14.8
Max. Livable Fl. Area (FAR)	Variable 30%		34.8%	4.8%
Lot Frontage	100'	195.96	195.96	
Lot Depth	100'	71.6'	71.6'	tech
Bldg. Coverage	20%	20.4%	18.6%	
Impervious Coverage	Variable 30 %	27.5%	29.8%	
Height of Bldg	28'	21.6'	28.0'	
Lot Area	10,000 sq.ft	8,541 sq.ft	8,541sq.ft	tech
Retaining Wall	4'		4.65'	.65'
Lot Width		111.29	111.29	

A representative for Norval Properties is before your board for approval. They propose to construct an addition

Note: A missing notice (289 Brookside Ave) to Property Owners within 200' was submitted by the attorney.

Mr. Gregg Paster (attorney) introduced himself as representative of Norval Properties, a local property development firm. The first project. Its owned by Lara Cutro and Dave Duff (?). Dave is a local developer and lives 5 houses from the site, he is actually on the 200' list, so she has the best interests in the neighborhood. The building here is an additional operation basically add a level. Placed the garage 403. The lot is particularly wide, under depth, and the current front yard is on Brookside rather than Woodland and that creates the need for the variances that we are asking for tonight. So without further ado unless there are questions...

Mr. Paster was asked for the missing Notice to owners within 200' which he submitted.

Mr. Paster introduced the architect Ms. Stephanie De Carlo Pantale.

Ms. Stephanie De Carlo Pantale (architect) was sworn in.

Ms. Pantale said that she would describe the site with respect to the variances. Basically the site is in the 10,000 sq.ft zone. The existing lot is 8,541 sq.ft. We have Brookside over here, Woodland over here, we're on a corner lot, the depth is 71.6' and the lot width is 111.29'.

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Mr. Van Horne said according to the chart the Lot Frontage is 195.96'

Ms. Pantale said I called the engineer up today to get a copy of his information

Ms. Batistic said they added both streets, that's why its at 195'.

The addition of the addition of the frontage on Brookside and Woodland was affirmed by Ms. Pantale and the board.

Ms. Pantale testified our Front Yard is required to be 25', we have 30.6'. we have 32.8' on the Woodland side and the original was 30.6'. We bumped the house in certain locations a little bit forward giving us 25.7' which will conform the Front Yard, our Side Yard and our Rear Yard. Our Side Yard is on this side, which is the northern side, the requirement is 15', originally it was 16.4' but we shortened the house and now its 21.5' to the edge of the chimney. The actual wall of the house will be a little bit further than the 21.5' but they are going to the corner of the chimney. The Rear Yard existing it says 16.4', but it wasn't- I think they inverted the numbers. It was always 15', because we shortened the house its now 15.2'. Impervious Coverage we are allowed 30% and we are 29.8%. Building Coverage permitted is 20% and we are at 18.6%. The FAR permitted is 30% and we are at 34.8%, using Brookside as the frontage. This what we had to use because we were told once a front yard has been established we have to maintain that front yard. We can't rotate the house 90 degrees and have the front face Woodland.

Mr. Paster said you talked about the Building Coverage currently its non-conforming at 20.4%. Correct ? So we are eliminating that variance.

Ms. Pantale said correct.

Ms. Pantale said So, basically, if we had Woodland Rd. as our frontage, due to the sliding scale and having width 71.6' we would be entitled to 35% and not require a variance. Our Side-Yards would conform as it does now and our Rear Yard would be better than it was. I am saying by picking a front, which we are not allowed to pick anymore, and due to the way the sliding scale works, the FAR is a lot larger from the Brookside, asking for a 4.8% variance, where from Woodland, we would be under the FAR requirement on the same lot.

Ms. Furio asked with the same design ?

Ms. Pantale said same exact everything. If we were interior lot and facing Woodlands, we would conform as far as the FAR is concerned.

Mr. Paster said would you consider the lot and the fact that there are 2 fronts to be the hardship that is involved here.?

Ms. Pantale said I consider the hardship of how the ordinance states that Brookside has to maintain the front, as the Front Yard . That to me is the hardship imposed. If we were to put a front door here, we could, but the address would still be Brookside, and the FAR would be 30% because Brookside will and always will be the Front Yard.

Mr. Paster said the shape not being deep enough exacerbates that problem. We are under depth for 100' by 100'. We're only 71.6' so that adds to the hardship, meaning you need the Rear Yard set-back.

Ms. Pantale said I'm not sure what's the question.

Mr. Paster said the question is does the depth affect the variances required for this application

Ms. Pantale said for the Rear-Yard, yes. But not for the FAR. If it were reversed, you wouldn't have that problem

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Mr. Paster said lets talk about the Retaining wall for a moment.

Ms. Pantale (referring to the plans) said basically this house is existing, with a one car garage, with a very steep slope to the garage, it has a breezeway and is a very large Cape Cod. With 2 bedrooms on the first floor and it just goes up and down, regular roof for a Cape Cod with no dormer, with 2 very slender bedrooms upstairs. We are basically maintaining the main part of the house for the area of the first floor and the section of the house and we are removing briefly and the existing garage which comes out to here, we are shortening the house. So the first floor area will remain, all the walls will remain and we are removing the breezeway, the existing garage and digging under for a garage under. To basically see what we are keeping. We are keeping the front wall but we are bumping out over here. That's what brings us to 25.7, I think, front yard.

The side wall which is the wooden side is staying and we are taking down, a little deeper, ratching the basement height and, we are a little bit below the basement height, and putting a two car garage – they only have a one car garage now. They currently have 4 bedrooms- two down, two up. We are just going to take all the bedrooms and bring them up upstairs. So, basically.... living room, dining room maintaining the same walls. The back wall of the house will have a kitchen and a dining room. The kitchen is going to stay where the kitchen is. We're relocating the staircase to the second floor. Adding a powder room, closet and a nice size family room to the house . On the 2nd floor, the 4 bedrooms will be upstairs. One is a master's. We'll bring the laundry upstairs and we have a common bathroom for the 3 bedrooms and a master's bathroom, front closets. Any questions ?

Mr. Kassis said referring to the page before, you spoke about the two sides in front in relation to the prior home. Where does the back wall in relation to the prior home ?

Ms. Pantale (referring to the plans) said this is the back wall to the prior home. It has a breezeway in the area, this is all covered area, and it comes to this edge right here. Which we have reduced it.

Mr. Kassis asked you are not going further back ?

Ms. Pantale said no we are not going further back. So, we are maintaining that roofing..... from the other property owner on the side

Mr. Paster said would you say that thisis consistent with design map and the map plan as you understand it, here in Cresskill.

Ms. Pantale said I believe it does. It is still a single family house in a single family zone.

Mr. Paster said do you consider it an improvement over the current lot ?

Ms. Pantale said yes, its creating a 2 car garage where there was only a one car garage. Its creating more parking on a semi-busy road which is Brookside.

Mr. Paster said now, in terms of Storm Water, how is that going to be affected by the sub-grade garage ?

Ms. Pantale said the sub-grade garage is down further from the road. Will have a sump pump and a seepage pit. The engineer, who is not here tonight, has worked that all out with his....stream D2, and he has a 500 gal. seepage pit, shown on the plans, which will be installed on the site.

Mr. Paster asked will it reduce Storm Water from the site ?

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Ms. Pantale said I assume that the engineer knows what he is doing.

Ms. Batistic said there is another seepage pit. There are 2 seepage pits.

Ms. Pantale located the other seepage pit. There is one on the driveway and one on the corner

Mr. Paster said the one on the corner is for the roof and the one on the driveway is for the driveway.

Ms. Batistic asked is the Curb Cut remaining the same width ?

Ms. Pantale said its going to be widened slightly for the 2 car garage.

Mr. Paster said that's all we have unless there are any other questions.

Ms. Batistic asked there is not going to be any trees removed. Basically because you are staying within the foot-print of the existing house ?

Ms. Pantale said I don't believe so. There might be some strawberries that are removed but I don't believe think there are any trees being removed at all. Most of the trees are on the property line, and we are not in that area.

Ms. Batistic asked what about the shed in that area is that staying ?

Ms. Pantale said that's being removed absolutely.....

Ms. Furio asked is there anyone in the audience for or against this application as presented ?

Ms. Eileen M. Sito (35 Woodland Rd.) was sworn in.

Ms. Sito testified that our back-yard and the retaining wall in the back..

Ms. Pantale asked our back-yard is your side-yard ?

Ms. Sito said yes. I see in the drawings that there is something else there, it looks like a patio. There is a very small area in the back and it looks like...

Ms. Pantale said it looks like a small landing, probably.

Ms. Sito said landing ?

Ms. Pantale said we have a slider here and we are putting a landing here.

Ms. Sito said a landing. A concrete landing ?

Ms. Pantale said probably.

Ms. Sito said that's a patio and how long is that going to go...from the base of the wall 5' to

Ms. Pantale said 5' , so any patio in the back. I show ... steps out to the back-yard.

Ms. Pantale and Ms Sito discussed the patio location and size

Ms. Sito said I've taken pictures of my back yard to show you how close that would be. I'm worried about water run-off

Ms. Pantale said from your property ? Because you are 5' above our property

Ms. Sito said 5' above, but it doesn't look as though its 5' above. It could be water run-off. Is that a concrete patio ?

Ms. Pantale said yes.

Ms. Sito said OK. Is it one level ?

Ms. Pantale said yes.

Ms. Sito said OK, I just want to make sure because that's very close- those are our bedroom windows. We're at 5' up but then these... will be right on the patio.

Ms. Pantale said but we are removing the deck that's right on your property.

Ms. Sito said that's on the other side of the house. The house that's new....That's in an area where there are trees nobody.....This back would be noise from the patio.

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Ms. Sito said this was my 1st question. The 2nd question. You are going up two stories. You are staying in the same foot-print

Ms. Pantale and Ms Sito discussed the configuration of the house

Ms. Sito said my other thing is, I have a few, oddly enough, a view of the Palisades from my upstairs, this 9' to 10' will, of course take some of that view away. So, I am just raising my concern for my property. These are the things I bought it for and I want to be sure that I am on record that I did bring these things to light. That's all I'm asking.

Ms. Pantale said our house is 5' below your property. I don't know what your house 1st floor is set at, I don't know what your 1st floor is set at, but we have a back-yard, I have 108.1...

Ms. Sito said I could submit a photo, if you want to see it. This is how close this is going to be

Ms. Pantale said 15' probably.

Ms Sito said 15', you are going to be coming out 10' to the patio.

Ms. Pantale said that's your side-yard.

Ms. Sito said its my side-yard...

Ms. Pantale, Ms Sito and Mr. Corona discussed the sizes of the Side-Yard ands Back-yard between the houses.

Ms. Pantale said if her house is conforming, which I'm not sure if it is, it should be a minimum of 15' from the side; and if this is our rear, and we are shy of that, therefore we did not want to extend the house any further. But its our rear that faces her side and we are 15' away. If we return towards Woodland, it would be our side too and we would have to 'team' as she would have to 'team', and that would be the 100 by 100 lot.....

Mr. Paster said to be clear we are not asking for any height relief ?

Ms. Pantale said no we have no height relief, we are at 28' permitted.

Ms. Siti said right.

Mr. McCord said it would seem to me if you moved the patio to the opposite side of the house. Instead of the Living room put it out of the Family room. That would alleviate the problem.

Ms. Pantale, Ms Sito and board members discussed the suggestion.

Mr. Van Horne asked Ms. Pantale to clarify her last statement.

Ms. Pantale said we are going to make the dinette slider windows, and we are going to put sliders in the family room and slide the patio back towards the northern side of the house, same size patio, slide it away from Woodland towards the northern side of the house.

Mr. Van Horne said and the sliders will remain in the family room ?

Ms. Pantale said yes

Mr. Kassis asked would the neighbor be happy then ?

Ms. Siti said yes and thanked the board.

Ms. Siti said one more question, we have a lot of big trees that are over-lapping, they grow over the properties . Is that a problem, will they be ...

Ms. Pantale saidcutting trees back – you know, we don't want them hanging over the house, so they make a trim..

Ms. Siti said to make a 2nd floor ?

Ms. Pantale said well just because there have been crashing...

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Ms. Siti said in environmental law, they are allowed to...

Mr. Van Horne said yes, they are allowed to...

Ms. Siti said OK, OK.

Ms. Pantale said its nice to screen your property, but whenever you get additions, they are going to do what they need to do; and with respect to the trees..... they are hanging over your property too.

Ms. Siti said I wouldn't want to have a tree turn into a dead tree and now I have a problem, because its on my property . So trimming it has the effect, which you are allowed to have, but I would like to put it on record that at least before that goes.

Ms. Furio asked does anyone else on the board have any questions or comments ?

Ms. Furio asked does anyone else in the audience have any questions or comments ?

Ms. Furio asked would someone on the board like to make a motion to approve or deny the application with the changes made where the slider and the patio are now residing behind the Family room instead of the dinette ?

Mr. Kassis made the motion approve the application as modified.

Mr. Cleary seconded

The application was granted

Memorialization

1332 Lior and ILanit Noy 65 Engle St B92 L 8 - 11

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	23.6'	23.6'	1.4'
Side Yard Abutting/Lot	15 ft	10.2'	10.2'	4.8'
Other Side Yard	20 ft	23.8	16.9'	3.1'
Combined Side Yards	35 ft	34'	27.1'	7.9'
Rear Yard Set Back	30 ft	62.3'	48.9'	
Max. Livable Fl. Area (FAR)	30%	23.1%	27.58%	
Lot Frontage	100'	103'		
Lot Depth	100'	122'		
Bldg. Coverage	20%	16.6%	19.26%	
Impervious Coverage	30%	45.1%	42.2%	12.2%
Height of Bldg	28'	27.8'	27.8'	
Lot Area	10,000 sq.ft	12,843sq.ft		

The applicants was granted the above variances to construct a new addition.

The applicants will reduce the proposed width of the driveway to the width of the existing driveway.

The applicants will remove the left side walkway.

The applicants will move the generator to behind the garage.