

**Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 8 pm
Minutes July 25, 2019**

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

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 June 27, 2019 meeting were approved. (Ms. Schultz-Rummel, Mr McCord)

Applications

1346 Kadri Mirzo 91 Hillside Ave. B 76 L 55

| Description | Required | Exists | Proposed | Variance |
|-------------------------------|--------------|--------|----------------|---------------|
| Front Yard Set Back | 25 ft | | 80.7' | |
| Side Yard Abutting/Lot | 15 ft | | 11.07' | 3.93' |
| Other Side Yard | 20 ft | | | |
| Combined Side Yards | 35 ft | | 37.32 | |
| Rear Yard Set Back | 30 ft | | 128.09' | |
| Max. Livable Fl. Area (FAR) | 30% | | 48.96% | 18.96% |
| Lot Frontage | | | 100' | |
| Lot Depth | 100' | | 293.5' | |
| Bldg. Coverage | 20% | | 13.11 % | |
| Impervious Coverage | 30% | | 70.41% | 40.41% |
| Height of Bldg | 28' | | 30.30' | 2.30' |
| Lot Area | 10,000 sq.ft | | 29,351.95sq.ft | |
| Min.Driveway side-yard | 10' | | 2.76' | 7.24' |

The applicant proposes to construct a new single family home.

He requires approval for FAR and Height. He will apply for the other variances at the Planning Board.

This application was carried from the May 23, 2019 ZBOA meeting at the request of the applicant

This application was carried from the June 27, 2019 ZBOA meeting at the request of the applicant

The applicant did not attend the meeting. The application was carried.

Ms. Furio explained to members of the audience that the applicants can carry an application 4 times.

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1348 Limor & Yaniv Ben-Asher 206 8th St.. B 33 L 349-351

| Description | Required | Existing | Proposed | Variance |
|-------------------------------|--------------|---------------------------|--------------------|-------------|
| Front Yard Set Back | 25 ft | | | |
| Side Yard Abutting/Lot | 15 ft | ENC.Deck 11.5' | Stairs 8.5' | 6.5' |
| Other Side Yard | 20 ft | | | |
| Combined Side Yards | 35 ft | | | |
| Rear Yard Set Back | 30 ft | | | |
| Max. Livable Fl. Area (FAR) | 34.86% | | | |
| Lot Frontage | 100' | 65' | | |
| Lot Depth | 100' | 100' | | |
| Bldg. Coverage | 20% | | 24.2% | 4.2% |
| Impervious Coverage | 30% | | | |
| Height of Bldg | 28' | | | |
| Lot Area | 10,000 sq.ft | | | |
| Driveway | 10' | | | |

The applicants propose an expansion of the existing deck

This application was carried from the June 27, 2019 ZBOA meeting in order to provide additional information.

Robert Silarski (Principal of S&Co) introduced himself as the architect for the project. He is here tonight on behalf of the applicants, Limor & Yaniv Ben-Asher.

Mr. Silarski was sworn in.

Mr. Silarski testified that the Ben-Asher's have temporarily relocated to Israel. Mrs Ben-Asher's parents are in poor health and they would like to spend some time with their children, Mrs. Ben-Asher's grand children over the next year or so. In the meantime Mr. Ben-Asher made modifications to an existing deck on his property which resulted in the requirement of 2 variances: one for Side-Yard, 15' required, the existing condition was 11.5' from the Property Line and Mr. Ben-Asher made modifications, reducing that 11.5' by means of a stairway to 8.5', therefore a variance of 6.5' Side Yard variance was required. By modifying the deck, he also increased the Building Coverage, allowable is 20%, currently its 24.2%, therefore an increase of 4.2% over the allowable Building Coverage. Mr. Ben-Asher made the modifications without permit. I have spoken to Bob Rusch, the Building Inspector. It is our intention to document the deck. To make sure it complies with code, pending while whether this Board grants the variances that are necessary. I do have some photographs in case some members of the Board are not familiar with the property.

Mr. Silarski presented the photos to the Board. They were marked A-1, A-2, A-3.

Mr. Silarski said in the lower photograph (A-1, the deck) to the left you will see the platform to the stair, you can see the difference in the lumber color . The 2nd one (A-2) shows the stair going down to grade. The property has 2 different grade levels, that are about 8' apart, we are talking about the upper portion of grade, and you can see the platform and the stairs that impinge on the side-yard. That's the additional impingement, the original

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deck impinged on the existing side-yard by a total of 3.5'. The new stair impinges on that side-yard an additional 3', total of 6.5'.

Ms. Furio said because of the severe drop-off .

Mr. Silarski said correct. The options for the location of the stair are limited to the point, where that's about the only place you can put it.

Mr. Van Horne said could you go over why its necessary to locate the stairs there.

Mr. Silarski said due to the grade of the property. The property is exceedingly steep, and it has been divided into 2 separate levels. The upper level, where the house is situated, is exceedingly narrow, that is, it wouldn't be possible to add a stair better point 90 degrees from where the stairs is shown.

Ms. Furio asked narrow front to back ?

Mr. Silarski said narrow front to back –yes.

Ms. Furio said so the house fits on much of the upper,,,

Mr. Silarski said much of the upper tier as possible.

Ms. Furio said as possible and the deck starts to...

Mr. Silarski correct.

Ms. Furio said so the new deck encompass the old staircase.

Mr. Silarski said correct.

Ms. Furio said so that is why it is 3' and another 3' for the other 5 or 6 stairs heading down. Extra and extra 6' wide

Mr. Silarski said no, an extra 3' wide. The deck was added to previously, again without grace of a permit, and subsequently the stair was added. So the Building Inspector did what he needed to do in terms of measuring the previous addition, which was undocumented, as well as the new stair which was undocumented

Ms. Furio said which is why the color of the lumber is different.

Mr. Silarski said that is correct.

Ms. Furio asked when was that staircase added ?

Mr. Silarski said it is my understanding that that staircase was added in the spring of this year.

Ms. Furio said and the deck was put up ?

Mr. Silarski said the extension of the deck was done last year.

Ms. Furio said about a year apart. So there are 2 tiers and that staircase goes down into the backyard.

Mr. Silarski said it accesses the upper level of the backyard. In order to get to the lower level of the backyard, you need to go down the stairs, across the property, and then down a 2nd set of stairs.

Ms Furio said so there is another set of stairs on the other side of the property going down.

Mr. Silarski said to get to the lower tier.

Ms Furio asked is it attached to a deck or just a set of stairs ?

Mr. Silarski said no, its just a set of stairs.

Ms. Furio asked how many stairs is that, another 5 or is it a full case ?

Mr. Silarski said it's a full staircase- it traverses about 8'. Its about 14 steps. But that has been in place for some time.

Mr. McCord said I know you were not here the last time.

Mr. Silarski said no, I was not.

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Mr. McCord said I believe Mr Ben-Asher represented the purpose of this stairwell, that we are here to talk about tonight, was basically access to the deck from the ground. However, it appears from your picture that the deck is actually level with the ground, over here next to the garage.

Mr. Silarski said yes, it is level with that ground.

Mr. McCord said we had asked him last month, why he didn't just build the stairwell next to the garage, now I can understand why- because it is level. So there is no need necessarily for a stairwell.

Mr. Silarski said in order to get down to the grade above which the deck is built, you would have to have a stair. In order to get down to the level in order to access the lower tier you would have to have a stair.

Ms. Furio showed photo to Mr. McCord.

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

Anyone on the board have any questions regarding the necessity of the staircase to access the ground level from the deck?

Ms. Furio said would someone like to make a motion to approve or deny the addition of the staircase ?

Ms. Batistic made the motion to approve the addition of the staircase.

Mr. Cleary seconded.

Ms Batistic said I am for the motion because it is clearly a hardship in order to access the backyard they need a stair, and this is the best location for the stairs. The set-back to the stairs which at the upper level is really at the ground level. There is no structure that sticks above the ground, that would minimize air and light of the neighbors. So that's why I vote Yes.

Mr. McCord voted No.

Ms. Schultz-Rummel voted No.

The application was granted.

Mr. Silarski asked that's the 2 variances for the Side Yard Set-back and Building Coverage ?.

Ms. Furio said correct.

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1349 Jesus & Mildrey Arozamena 181 14th St. B 126 L 410.01

| Description | Required | Existing | Proposed | Variance |
|-------------------------------|--------------|---------------|---------------|--------------|
| Front Yard Set Back | 25 ft | 24.82' | 25' | |
| Side Yard Abutting/Lot | 15 ft | 9.85' | 9.85' | 5.15' |
| Other Side Yard | 20 ft | 11' | 11' | 9' |
| Combined Side Yards | 35 ft | 20.85' | 20.85' | 14.15' |
| Rear Yard Set Back | 30 ft | 62' | 50'to Deck | |
| Max. Livable Fl. Area (FAR) | 36.12% | 26% | 31.9% | |
| Lot Frontage | 100' | | | |
| Lot Depth | 100' | | | |
| Bldg. Coverage | 20% | 21.25% | 21.25% | 1.25% |
| Impervious Coverage | 33.4% | 30% | 33.1% | |
| Height of Bldg | 28' | 23' | 28' | |
| Lot Area | 10,000 sq.ft | | | |
| Driveway | 10' | | | |

The applicants propose to construct a deck and add-a-level

A copy of the ad in the Record was submitted to the board, and 2 letters that were not delivered.

Mr. William Figdor, architect for the application, introduced himself.

Mr. Jesus Arozamena, Mrs. Mildrey Arozamena and Mr. Figdor were sworn in.

Mr. Figdor testified we are proposing a 2nd floor addition within the existing foot-print of the house.

That calls for a variance on the right side of the house due to existing conditions non-conforming. That existing and proposed right yard set-back is 9.85', we need a variance of 5.15'. That will remain the same.

When applying for the application, the Building Department recommended that we also memorialize the Building Coverage, which we are not changing. Memorializing it to 21.25% , that's what is existing now and it won't change. We tried to look at other options, but the foundation was where it is. It would not have made the house look very nice, and also would not have made the layout work as well either.

Mr. Van Horne said neither side-yard is changing and the Combined Side-Yard is not changing.

Mr. Figdor said that's correct.

Ms. Furio said so everything is existing. So all the variances are in their current state and you are not changing them.

Mr. Figdor said that's correct.

Ms. Furio said this is an add-a-level and a deck, and you are just going up and in the back.

Mrs. Arozamena agreed.

Mr. Figdor said yes. The left side we are not even going up there. Its where the garage is on the left, there's a kitchen behind that's staying.

Mr. Figdor said we already have 2 bedrooms and a bathroom on the 2nd floor, we're just really going to expand further back to the extension they had already from the sixties and open up to the front .

Ms. Furio said so everything is remaining the same, you are not adding to the sides of the foot-print, you are not impinging on anything else that is currently there.

Mr. Figdor said that's correct.

Mr. Van Horne asked what is the height of the 2nd floor on the right side of the house now ?

Mrs. and Mr. Arozamena said 23'.

Mr. Van Horne said and you are going to take it up to 28'

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1349 Jesus & Mildrey Arozamena (cont.) 181 14th St. B 126 L 410.01

Mrs. and Mr. Arozamena said yes.

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

Ms. Batistic asked do you know what the distance to the neighbor's house is- to the right ?

Mr. Figdor searched his documents.

Ms. Furio said there is nothing over the garage. The garage remains the same at one level ?

Mr. Figdor said yes.

Ms. Furio asked the deck is coming off the back by the kitchen, by the garage side ?

The garage, the kitchen and the deck.

Mr. Figdor said the garage is in front and the kitchen is behind and then the deck.

Ms. Westerfeld asked is there more than one deck ?

Mr. Figdor said just one deck.

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

Anyone on the board have any questions or comments based on the plan ?

Ms. Batistic said still waiting for an answer to the distance to the house next door.

The applicants discussed where that information could be.

Mr. Figdor said I got it 25.4'. from house to house.

Ms. Batistic said so the neighbors have a 15' set back to his house.

Mr. Figdor said yes. The neighbor's lot is wider than ours 75' or 85'.

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

Would someone like to make a motion to approve or deny the application as presented ?

Mr. McCord made the motion to approve

Ms. Schultz-Rummel seconded

The application was granted

Mrs. Arozamena asked do we have to come back next month (for the Memorialization)

Ms. Furio said no. After the next meeting, after we read it into the journal, you can come and pick up your permit and start work.

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1350 Steve Eng & Lucilla Chan 296 Brookside Ave B 193 L 1

| Description | Required | Existing | Proposed | Variance |
|-----------------------------|--------------|---|---|--------------------------|
| Front Yard (Brookside) | 25 ft | 30.9' | 25.9' | |
| Front Yard (Deacon) | 25 ft | 31.8' | 31.8' | |
| Side Yard Abutting/Lot | 15 ft | 28.5' | 28.5 | |
| Other Side Yard | 20 ft | | | |
| Combined Side Yards | 35 ft | | | |
| Rear Yard Set Back | 30 ft | 11.5' to deck 21.5' to house | 11.5' to house 20' to dormer | 18.5' ENC 10' |
| Max. Livable Fl. Area (FAR) | 30% | 15.4% | 20.2% | |
| Lot Frontage | 100' | 136.02' | | |
| Lot Depth | 100' | 79.75' | | |
| Bldg. Coverage | 20% | 17.8% | 19.45% | |
| Impervious Coverage | 30% | 27.1% | 28.05% | |
| Height of Bldg (Brookside) | 28' | 21' 10" | 22' 7" | |
| Height of Bldg (Deacon) | 28' | 21' 10" | 23' 10" | |
| Lot Area | 10,000 sq.ft | 10,280 sq.ft | | |
| Driveway | 10' | | | |

The applicants propose to rebuild an existing deck (destroyed by tree damage) at the same location, and add a rear dormer to the 2nd level.

Ms. Chan was sworn in.

Ms. Chan testified on Nov. 14th my house had a tree that fell through my 2nd floor and into my 1st floor, crossing the roof and most of the 2nd floor. So now I am asking for variances to repair the house, mainly the 2nd floor, as well as the deck that is smashed. My property is existing non-conforming, so the deck as well as the house. We are trying to build the 2nd floor dormer to repair... after repair deck, but the rear yard requires 30'. The deck is 11.5' to the property line. When I rebuilt the 2nd floor, I'm asking to extend a little bit so that it has a more even shape and its 21.5' for the rear dormer to the property line.

Ms. Furio said that was existing . There is the 'Existing' column and the 'Proposed' column. So the deck, it says 11.5' to the deck, and in the 'Proposed' it says 11.5' to the house. In the 'Existing' it says 21.5' to the house and then 20' to the dormer.

Ms. Chan said am I reading this right ? I'm sorry

Ms. Furio asked are you rebuilding the deck to the same size that it was ?

Ms. Chan said yes

Ms. Furio said you are just fixing the broken timbers and the smash and making it the same size...

Ms. Chan said the whole thing is gone, so yes.

Ms. Furio said you intend to put it back the same way it was.

Ms. Chan said yes.

Mr. Van Horne said so it will be 11.5' from the rear yard ?

Ms. Chan said yes for the dormer.

Ms. Furio said you had a dormer there previously. The tree took it out. So you are just putting it back ?

Ms. Chan said no, I did not have a dormer. I'm trying to save as much of the roof for money sake and then I'm adding the dormer where the hole kind of came through.

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1350 Steve Eng & Lucilla Chan (cont.) 296 Brookside Ave B 193 L 1

Ms. Furio asked so when did this happen ?

Ms. Chan said Nov. 14th at 11:45 in the afternoon. We got a phone call from the Fire Dept. I thought it was a fire. The last thing that happened on the ...camera picture was the fire fighters in our living room. Then we got a call. I was rushing back, I thought it was a fire, it wasn't, it was the tree. They said take a breath before you walk in, and it literally went sideways half way through my house. Through the 2nd floor into my dining room, kitchen, bathroom and baby's room. So luckily no-one was home except my cat.

Ms. Furio asked was the cat OK too ?

Ms. Chan said PTSD but fine.

Ms. Furio said so you are on a corner, and your front door is on Brookside ?

Ms. Chan said yes.

Ms. Furio said the deck is on the Brookside side ? Here is the deck in the back.

Ms. Furio said the dormer you are sticking in the front, over the doorway.

Ms. Chan said yes.

Ms. Furio said and that's where the tree came though from the front to the back ?

Ms. Chan said no its from the back

Ms Furio said but it sliced through

Ms. Chan said yes.

Ms. Furio said so the deck is going to be off the sliders, which I guess is the kitchen

Ms. Chan said yes.

Ms. Furio said and then you step down behind the garage.

Ms. Chan said yes.

Ms. Furio said pretty much pre-existing but you're just having to put it back.

Ms. Chan said yes.

Ms. Furio said so on the Rear Yard Set-back, because you're on a corner you are calling opposite Brookside the Rear Yard.

Ms. Chan said yes

Ms. Furio said Brookside is your front door – so that's your Rear Yard.

Ms. Chan said yes.

Ms. Furio said you are not expanding the house footprint in any way. You are just fixing the slice, fixing the deck, and you are not doing anything to the garage.

Ms. Chan said no, the garage is undamaged.

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

Richard Peraz, said he lives 2 houses away at 11 Deacon Place. To be transparent, I am also her Insurance Adjuster.

Ms. Furio asked so you are for ?

Mr. Peraz said I am for. What she is doing is putting back the existing house, only thing she is adding is the dormer in the front. It's a corner house so her deck goes back. Our properties drop down, if you're going down Deacon . She is on Brookside, they don't drop down drastically, but from her house to Crusak's (?) house next door, its about a 4' to 5' drop, and then there would be another 3' drop to my property. I've lived there for 20 years. I've built my house. Most of the houses in the area, I've seen so its no detriment from the visual of the house or anything that they are going to do that will change our property values. It might actually make them better.

Ms. Furio said I want to reiterate that the deck is going to be put back to the exact same dimensions that it was before it got splintered.

Ms. Chan said yes it is.

Mr. Peraz said it really can't go anywhere else...

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Ms. Furio agreed.

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

Ms Furio asked would anyone like to make a motion to approve or deny the application as stated.

Mr. McCord made the motion.

Ms. Batistic seconded.

The application was granted

Memorialization

1347 Shay & Rotem Zaidenberg 50 Merritt Ave. B 28.01 L 7

| Description | Required | Existing | Proposed | Variance |
|-----------------------------|--------------|--------------------|--------------------|----------|
| Front Yard Set Back | 25 ft | 25.87' | 25.87' | |
| Side Yard Abutting/Lot | 15 ft | 14.7' | 14.7' | 0.3' |
| Other Side Yard | 20 ft | 21.91' | 15.71' | 4.29 |
| Combined Side Yards | 35 ft | 36.61' | 30.41' | 4.59' |
| Rear Yard Set Back | 30 ft | 11.7' to 25.83' | 11.7' to 25.83' | ENC |
| Max. Livable Fl. Area (FAR) | 32% | 17.97% | 20.5% | |
| Lot Frontage | 100' | 58.43' | | ENC |
| Lot Depth | 100' | 81.24' | | ENC |
| Bldg. Coverage | 20% | 18.85% | 21.37% | 1.37% |
| Impervious Coverage | 30% | 23.65% | 26.2% | |
| Height of Bldg | 28' | | 18.38' | |
| Lot Area | 10,000 sq.ft | 10,838sq.ft | | ENC |
| Driveway | 10' | | | |

**The applicant was granted the above variances to construct an addition.
The lot is irregular, with 5 sides.**

Ms. Westerfeld motioned to adjourn the meeting

Mr. McCord seconded.

Meeting was adjourned at 8:37 pm