

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 8 pm  
Minutes June 27, 2019**

Present: Ms. Batistic, Mr. Cleary, Mr. Corona, Ms. Furio, Mr. Kassis, Mr McCord, Ms. Schultz-Rummel, Ms. Westerfeld, Mr. Jack 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 May 23, 2019 meeting were approved. . (Mr. Corona, 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'          |               |
| <b>Side Yard Abutting/Lot</b> | <b>15 ft</b> |        | <b>11.07'</b>  | <b>3.93'</b>  |
| <b>Other Side Yard</b>        | <b>20 ft</b> |        |                |               |
| Combined Side Yards           | 35 ft        |        | 37.32          |               |
| Rear Yard Set Back            | 30 ft        |        | 128.09'        |               |
| Max. Livable Fl. Area (FAR)   | 30%          |        | 48.96%         | <b>18.96%</b> |
| Lot Frontage                  |              |        | 100'           |               |
| <b>Lot Depth</b>              | 100'         |        | 293.5'         |               |
| Bldg. Coverage                | 20%          |        | 13.11 %        |               |
| <b>Impervious Coverage</b>    | <b>30%</b>   |        | <b>70.41%</b>  | <b>40.41%</b> |
| <b>Height of Bldg</b>         | <b>28'</b>   |        | <b>30.30'</b>  | <b>2.30'</b>  |
| <b>Lot Area</b>               | 10,000 sq.ft |        | 29,351.95sq.ft |               |
| <b>Min.Driveway side-yard</b> | <b>10'</b>   |        | <b>2.76'</b>   | <b>7.24'</b>  |

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.

On May 23, 2019, prior to the ZBOA meeting, Mark Madaio Esq. the attorney for the applicant, sent a FAX requesting that the application be carried to the June ZBOA meeting.

On June 27, 2019, prior to the ZBOA meeting, Mark Madaio Esq. the attorney for the applicant, sent a FAX requesting that the application be carried to the July ZBOA meeting.

**Ms. Furio** announced that application 1346 - 91 Hillside Ave- had been carried to the July 2019 ZBOA Meeting at the request of the applicant. Public re-notification is not required.

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

**The applicants propose to construct an addition.**

**The lot is irregular, with 5 sides.**

**Shay & Rotem Zaidenberg** were sworn in.

**Mr. Chris Blake, Architect,** was sworn in

**Mr. Blake** testified that they propose a single story addition to their single story one family house.

The lot is irregular and on a cul-de-sac.

There is a one story ranch house now.

The side-yard set-backs are currently are 14.7' and 21.91'. The proposed is 14.71' on the left hand side and 15.71' on the right hand side. The 15.71' is more than the required 15'. We require a combined side yard variance. We require a Building Coverage variance where 20% is allowed- we are currently 18.85% and we are going to 21.37%. Variance is 1.37% or 274 sq.ft. The added family room and kitchen are replacing the existing family room. The family room, kitchen and laundry room are replacing the existing family room. The existing family room was an addition to the original house. It is in a state of disrepair.

*Mr. Blake explained that the proposed set-back variance remains the same as the existing set-back variance.*

**Mr. Blake** said this is a modest expansion. The house has 3 bedrooms, 2 bathrooms, a very small kitchen, ... a family room that is in disrepair. The family room will contain the kitchen. The property is just over 10,000 sq.ft. The 274 sq.ft that we are adding, results in Building Coverage that is less than 150 sq.ft over the allowable . The house has 2300 sq.ft living space and we feel because we are not adding another floor, making a big bulky building – we are adding a wing on the side-yard set-back. Making a more comfortable and more pleasing solution... Also if you look at the side-yard set-back, the ...is not right up against the house, not the same as parallel houses. There was no other place to add without a variance. It is a difficult property to work with.

*Mr. Blake described the difficulties with the shape of the lot.*

*Members of the Board discussed the Rear Yard set-back with Mr. Blake.*

**Mr. Blake** said that anything new will be 25.83'

**Mr. Kassis** said on your application question #9 says 'Distances from the structure to adjoining structures. N/A. Could you explain that answer for me.

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**Mr. Blake** said I'm not sure how I came up with that. The next door neighbor has approximately 15' at least from the property line to their house. The houses are not parallel so its not going to be exact. It could be 30' or even further.

**Mr. Kassis** asked 30' is the number ?

**Mr. Blake** said its very close to that. I can't swear to that. I did not take a tape measure.

**Ms. Furio** said so for the new portion, you are going to dig a new foundation. Get rid of what's there, take it all out, start again.

**Mr. Blake** said correct.

*Mr. Blake said there will be a new foundation replacing the foundation of the existing family room. Also new siding and new roofing.*

**Ms. Furio** asked about re-siding the rest of the house.

**Mr. Blake** said that whatever is in good condition we'll keep.

**Ms. Furio** asked does everyone on the board have questions or comments regarding the application?

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

**Ms. Furio** asked would anyone like to approve or deny the application as presented ?

**Ms. Batisitic** made the motion to approve.

**Ms. Schultz-Rummel** seconded.

**The application was granted.**

**1348 Limor & Yaniv Ben-Asher 206 8<sup>th</sup> 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<br>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'              |              |             |
| <b>Bldg. Coverage</b>       | <b>20%</b>   |                   | <b>24.2%</b> | <b>4.2%</b> |
| Impervious Coverage         | 30%          |                   |              |             |
| Height of Bldg              | 28'          |                   |              |             |
| Lot Area                    | 10,000 sq.ft |                   |              |             |
| Driveway                    | 10'          |                   |              |             |

**The applicants propose an expansion of the existing deck**

**Limor & Yaniv Ben-Asher** were sworn in.

**Mrs. Ben-Asher** testified it is small but we are adding stairs to our deck. It's a very old house. We wanted to keep everything the same but some of the stuff was old and not really safe. So we started to tear stuff apart.

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We came to Bob to consult and ask what we should do. We asked general recommendation . He said if we tear something down, there is no problem, we just need to reconstruct it. Begin with the house. Is a non-conformance to begin with. So we did whatever we could and then we had a variance with our stairs. We have 4.2 % more, or something like that. We went to Bob and we understood that we need to pay a fee, and he reduced it from \$2000 to \$200 and something, and then we paid the fee – fine (sorry). Then we're here to ask your permission to keep the stairs.

**Ms. Furio** asked what height is the deck, it looks like a full staircase.

**Mr. & Mrs. Ben-Asher** said yes.

**Ms. Furio** said it's a full step from wherever it is down to the ground ?

**Mr. Ben-Asher** said there are 2 levels. One is a little lower, one is a little higher.

**Ms. Furio** said and you are going from the top to the bottom.

**Mrs. Ben-Asher** said yes.

**Ms. Westerfeld** asked is there any difference in size than the pre-existing ?

**Mrs. Ben-Asher** said yes it is. The pre-existing- I bought here pictures - everything was very messy, very bad.

**Ms. Westerfeld** said the size.

**Mr. Ben-Asher** said the size is bigger.

**Mr. Van Horne** asked the size of the stairs or the deck ?

**Mr. Ben-Asher** said we removed the stairs and we pushed the deck, but the deck is bigger than the stairs were. So overall it is bigger.

**Ms. Furio** said you removed the deck, you put the deck back.

**Mr. Ben-Asher** said no, no it was something by the steps. Only recently we realized we have this pre-existing non conforming. Basically we never knew that we are crossing the 20%. We got the house like that we never realized this situation. I removed steps that were very bad, very dangerous. The kids were always falling. We put some flat deck, extending basically the existing deck to something that was replacing those steps. Then, the last action that was really what brought it up is that we put a very low, very small low steps in the side. Which is much easier, much safer, very short, only a few steps instead of that whole thing that was there before. This whole construction. So it was really focusing on safety. But eventually we are in this situation that we obviously put something that is bigger than it was and that is why we are in this situation.

**Ms. Furio** said it seems like you added deck which encompassed the old staircase and now you just have to add another staircase on the side. So its just really about the staircase because the deck is already done.

**Mr. Ben-Asher** the property is on a hill side, so every thing is high above the ground because the house is much higher than the ground below it.

**Mrs. Ben-Asher** said its very steep. So if you want to be safe, you want to make it ....

**Mr. Ben-Asher** said instead of 20 steps, replace by 3 or 4. Because we move it to the side it was much easier to go there.

**Ms. Westerfeld** said, that was my question. Why wouldn't you not put it in the back  
*There was a discussion among board members and Mr. Ben-Asher about the location of the steps.*

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

**Mr. Kassis** said so the steps that are high-lighted here, in green, do not exist currently ?

**Mr. Ben-Asher** said right now everything exists. Everything on the survey exists.

**Ms. Furio** said it includes the deck which encompasses where the staircase was. Another 3.5' to 4'

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**Mr. Kassis** asked why not move the stairs to the center of the house ?

*Several Board members declared house was too high and stairs would be too steep.*

**Mr. Ben-Asher** said he had located the steps on the side- the soil is higher there so it can be very short - maybe 3 or 4 steps. In the back it has to be much more long.

**Mr. Kassis** said I understand that part. I am not suggesting to come off the back of the deck. What I'm suggesting is that the stairs are put where the deck meets the corner of the house. They would come down pretty close to the same terrain where the deck steps are coming now.

**Mr. Ben-Asher** said I do not understand the location.

**Mr. Kassis** said on the other side of the deck. On the south side of the deck.

**Mr. Ben-Asher** said the south side is very high. There is a full so-called basement – actually above ground – the full height of the basement is right there.

**Mrs. Ben-Asher** said it's a full story height.

**Mr. Ben-Asher** said the side where we put it became like 4 steps. You still have to walk down the hill, but its much better.

**Mr. McCord** asked how long ago did you build this new deck ?

**Mr. Ben-Asher** said like I said it was the steps. I never really did it at one time. So originally, I fixed it. Right after we bought it, like 4 years ago, something like that. Then the situation with the stairs, it keep going like that. I just remake them put the deck.....that was about 3 years ago. Then eventually I got to finish it and then is actually when we put the stairs on the side. Until then there was no way to go down. I basically had to go around the house.

**Mr. McCord** asked you did all the work yourself ?

**Mr. Ben-Asher** said yes.

**Mr. McCord** said except the stairs, right ?

**Mr. Ben-Asher** said the stairs, yes.

**Mr. Kassis** said there are other options for the steps that would not encroach on the side-yard.

**Mr. Ben-Asher** said I would love to do it the easiest way, the best way, most safe. Definitely the most safe way.

**Ms. Furio** asked what was the measurements to the side-yard of the deck prior to you changing it . Do you know ?

**Mr. Ben-Asher** said I don't know exactly.

**Ms. Furio** asked do you know how much bigger the deck got ?

**Mr. Ben-Asher** said its exactly from the corner of the house. This piece from the corner, roughly from the corner of the house to the middle of the house. From this corner of the house.. garage, to the middle of the house on the back. This is about 10' by 10' or maybe a little more.

**Ms. Furio** said so that was the size the deck was.

**Mr. Ben-Asher** said what existed was the other side. From the corner towards the north side.

**Ms. Furio** said what we are trying to get at, is how much bigger did the deck get.

**Mr. Ben-Asher** said probably about double of this table – the overall size that we added is about this table, twice.

**Ms Furio** asked and what was it previous ?

**Mrs. Ben-Asher** said this is what we added and the stairs. New, new like a couple of weeks.

**Mr. McCord** asked so the steps are only a couple of weeks ?

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**Mr. and Mrs. Ben-Asher** said yes.

**Mr. McCord** said I thought you just said a couple of months ?

**Mr. Ben-Asher** said I started to work on it, to pull back the railing and stuff like that- we were away- it was a couple of weeks ago, I don't remember the date... Then right after we came back from vacation, I make the ...I don't remember the date but the only work that was done in the last days was those steps....

**Ms. Batistic** said so the deck on the north side of your house was existing with the stairs....

**Mr. Ben-Asher** said but the stairs that were there were on the south side of the house.....were behind the house...

**Ms. Batistic** said so most of what you added to the deck was in the back of the house and on the side was there and then you put the stairs on that side in addition to what the ....

**Mr. Ben-Asher** said most of it, about 10' by 10', or whatever it is, is in the back.... it is about two times this table,

**Ms Furio** said you put it on the side. You chose the side where you constructed the stairs because it was less steep, and a few steps as opposed to a full story size.

**Mr. and Mrs. Ben-Asher** agreed.

**Ms. Furio** said for safety

**Mr. Ben-Asher** said I want to find a way the kids can actually use it, because it was horrible the way it was before (*described previous staircase*).

**Mr. Kassis** said we keep saying a few steps, I'm counting here 7 or 8 steps

**Mr. Ben-Asher** said I don't think there is, I think they just draw it that way. I didn't take a picture.

**Mr. Kassis** said we have no height dimension on this drawing. We have no topography dimension. We don't know if the steps could go to the front and not encroach on the side.

**Mr. Ben-Asher** said I can show you photos, pictures...

*Discussion among Board members and attorney about legality of accepting electronic photos.*

**Ms. Furio** said that we cannot use the photos. Submit the prints 10 days before the next (*board*) meeting.

Glen Kassis wants to see some topography- how steep the one side was and how less the other side is – exactly how many stairs you have. Be a little more specific. Get the information in to Bobbi, and then we can review it prior to the next meeting. Then we will have all the exact information, and we will know what's what. Rather than kind of guessing. Be as specific as you can, and accurate as you can, with height topography and all that other stuff and pictures that are printed.

**Mr. McCord** said show us the opposite side.

**Mr Ben-Asher** said I took pictures the way .... before.

**Ms. Westerfeld** said it would also help us if you showed where your house is in relation to the neighbor's house on the north side.

**Mr. Ben-Asher** agreed.

**Mr. McCord** asked has any consideration been made to putting the stairs right next to the garage ? The stairs that are high-lighted in green. Near the shed.

**Mr. Ben-Asher** said behind the shed. Just because it is the highest point, in the highest elevation...

**Mr. McCord** said if you move it right next to the garage so it abuts the garage.

**Mr. Ben-Asher** said its hard. You can, it is higher.....the garage is just touching the deck. So its coming into the deck..... Its hard to understand why its lower on one end and higher in the other.

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**Ms. Schultz-Rummel** said if you print the pictures and we can see them, that will certainly make it easier for us to make a determination.

**Mr. Kassis** said #9 is not completed: 'Distances from the structure to adjoining structures'. The reason that's not completed on your application ? Review your application #9 is not answered.

**Mr. and Mrs. Ben-Asher** *searched their application. Agreed to answer.*

**Mr. Van Horne** said your request to carry is for next month and provide the additional information.

Is anyone here in regards to this application: 206 8<sup>th</sup> St. ?

*Patricia Fritz, in the audience, said she misinterpreted the letter that she got.*

**Mr. Van Horne** said this application is carried, you don't have to re-notice . Just get in those documents, as you have been instructed, 10 days before.

**Mr. and Mrs. Ben-Asher** agreed.

*Patricia Fritz asked about a house next to hers. She was told that it was not on the agenda. She had sent a letter to the mayor 3 years ago. He had sent someone to board it up- three years ago on Memorial day. She was told that the Board could not help her right now, and to contact the mayor again. When the application comes back on, she will be noticed.*

**MEMORIALIZATIONS      none**

**Mr. McCord** motioned to adjourn the meeting

**Mr. Corona** seconded.

**Meeting was adjourned at 8: 35 pm**