

**Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 8 pm
Minutes Mar. 28, 2019**

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

Absent: Mr. Cleary, Mr McCord

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 Jan. 31, 2018 meeting were approved. . (Ms. Furio, Mr. Kassis)

Applications

| 1340 Ori Birnhack | 117 Heatherhill Rd. | B 1.03 | L 32 | |
|-------------------------------|----------------------------|--------------------|-----------------|-----------------|
| Description | Required | Existing | Proposed | Variance |
| Front Yard Set Back | 25 ft | | | |
| Side Yard Abutting/Lot | 15 ft | 9.32' | 9.32' | 5.68' |
| Other Side Yard | 20 ft | 10.52' | 10' | 10' |
| Combined Side Yards | 35 ft | 19.84' | 19.32' | 15.68' |
| Rear Yard Set Back | 30 ft | | | |
| Max. Livable Fl. Area (FAR) | 34.86% | | | |
| Lot Frontage | 100' | | | |
| Lot Depth | 100' | 96.93' | | ENC |
| Bldg. Coverage | 20% | | | |
| Impervious Coverage | 30% | | | |
| Height of Bldg | 28' | | | |
| Lot Area | 10,000 sq.ft | 7,544 sq.ft | | ENC |

The applicant proposed to construct an addition to the 2nd floor..

Ms. Furio recused herself for Application 1340.

Mr. Kassis chaired the meeting.

Mr. Ori Birnhack was sworn in.

Mr. Birnhack testified that he lives now in Cresskill with his family on Lafayette St. The house on Heatherhill Rd is non-conforming. The house as built now is too close to the property line. I was hoping to square it off- to make it a square for the 1st floor and build a 2nd floor.

Mr. Van Horne asked to see the plans.

Mr. Birnhack said he did not have an extra copy.

Mr. Van Horne asked did you have an engineer or architect draw your plans.

Mr. Birnhack said that he did. The architect sent the picture of the house I intend to build. Rendering of the house on Heatherhill. I submitted it already also. Right here I have the full set of plans.

Mr. Kassis said for the record, what you are looking at is the same that we have, with the exception of that picture ?

Mr. Birnhack said yes sir.

Mr. Van Horne requested that Mr. Birnhack identify the sheet he is looking at, and describe what he is intending to do to the board .

Mr. Birnhack said the sheet number is A-2. In the back , right now there is a bump-out on the plan – right now on the plan to put the stairs. We are planning to square it off.

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Mr. Van Horne said the A-2 that you are referring to, we do not have a matching A-2 plan.

Mr. Kassis said it doesn't look like A-1 either.

Mr. Birnback was shown the plans that the board had.

Mr. Birnback said mine is more detailed because it is later.

Mr. Kassis said we have something that appears to be similar, but the lay out of your drawing is not the same as ours. Can you refer to the drawings that were distributed to the board so we can limit confusion in this application.

Mr. Birnback said of course. I don't believe that I have exactly the same as you have right now. The layout is basically the same. Mine is just more detailed.

Mr. Van Horne said how about we just give back one of the copies that you gave us.

Mr. Birnback was given one of the copies from the board.

Mr. Birnback said sheet A-1 says First Floor Plan. Right now, where the stairs are in the back, that's the only part of the house that is sticking out. There is no wall. The wall is just we are showing here. That's what we intend to extend. Right now the wall is right here- going across to the garage. You can see it very clearly on the survey. They have showing the existing.... You can see it also on the engineering site plan.... Bump-out in the back of the house.

Discussion by board with Mr. Birnback of how he plans to square the house.

Mr. Birnback said that he also wants to bump-out 2' towards the front- for which he does not need a variance, there's enough room in the front. There are 3 additions : two in the back and one in the front.

Ms. Batistic asked about the cantilever.

Mr. Birnback described the position of the cantilever. It is there to make it a square. So the back part of the house would be usable.

Mr. Kassis asked whether on A-1, the right side elevation, is that really completed- is that how its going to look ?

Mr. Birnback said that's how its going to look on the side.

Mr. Kassis said there are no windows on that side on the entire wall.

Mr. Birnback said there are no windows on the entire wall. Just because the lower part is the garage and the 2nd floor is the bedroom in which there is a window as you can see just above the garage there is a window and to the back the same thing. I can put a window if required.

Mr. Kassis said nothing is required, I just wanted clarification.

Mr. Birnback said I don't intend to put another window on the bedrooms because they would need more wall to put a TV or something like that.

Mr. Kassis said I have a concern about the side yards. Right now, you have, on the right side, a small garage . That is very close and encroaching into the side yard on the right side.

Mr. Birnback said yes.

Mr. Kassis said the distance, once you go straight up, is going to shrink that side yard considerably (its going to be a very large structure versus a much smaller structure) which will be 9.32'. What is the distance between the house next to yours and the property line.

Mr. Birnback said the distance to the house next to me to the right side is 33', from the corner. The closest point will be the corner of the house, the back corner of 117, to the corner of the house next door to the right side and that will be 23', and that will remain the same, because I'm not going further out, just going above.

Mr. Kassis said the picture that you provide for us right here. It looks closer than 23'. You are saying: from the property line to the closest point of that house, 23' ?

Mr. Birnback said from the corner of the house.

Mr. Van Horne said from the corner of the current house to the corner of the house next door that will be 23'.

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Mr. Birnback said yes, that's the closest point. We are not going any closer, we are just going up from that point.

Mr. Kassis said the second floor is getting closer. Because right now there is no 2nd floor. If you put a 2nd floor on top of your first floor, the first floor might be closer, but the 2nd floor is going to be much closer. The main part of the structure where there isn't a garage is much further back.

Mr. Birnback said the garage will be part of the house, so yes. Right now, the garage is the closest point, and we are just going up exactly above the garage. We are just building on top of the garage. We are not exceeding in any way the existing garage.

Mr. Kassis asked do you have a picture of what the current house looks like.

Mr. Birnback said no, but I can Google it on my phone.

Mr. Kassis said you are encroaching on 2 side yards.

Mr. Birnback said right now the house is encroaching.

Mr. Kassis said if you were just to build above the main part of the house and not the garage, the 2nd floor would not be encroaching on the right side. The 2nd floor addition would not be encroaching on the right side.

Mr. Birnback said correct, I believe so. Because the garage width is 12' and from the garage to the property line is about 9' so together it is 21'. I'm required one side 15' and the other 20'.

Mr. Kassis said my concern is the encroachment on two side yards when it could be avoided by not building on the garage, and building over the main part of the house. So, at least, the 2nd floor would be more conforming than the 1st floor is currently. Looking at an option to reduce variances being issued versus the option of increasing the number of variances issued for a particular project. Any thought being given to possibly not going above the garage. From the street it's a pretty large house.

Mr. Birnback said I understand. I have 3 kids.

Mr. Kassis said it's irrelevant to this application.

Mr. Birnback said I understand 100%.

Mr. Van Horne asked what's the width of the property.

Mr. Birnback said the front is 101' and the back is 42.92'

Mr. Kassis said it's a pie-shaped property and your neighbor's is pie-shaped too. So now everybody's house is going to be really tight. More tighter than the original planner, who designed this area, intended. Every area has a plan and the plan was to have a structure and a one story garage. Now you are doing a large structure and a large structured garage. That's not, in my opinion, fitting to what the initial planning was for that area. Especially with a pie-shaped property, it makes that condition much worse. I have trouble approving the plan the way its currently submitted.

Mr. Birnback said Many structures, most of them, are big. I think that this structure will be even more conforming to the street as it is right now- then a small one with one small garage next to it. Personally from looking on the street...

Mr. Kassis said you are claiming that its more conforming. How many houses on the street are the size you are building ?

Mr. Birnback said I'm not sure.

Mr. Kassis said you just made the statement that it's more conforming to the houses on your street.

Mr. Birnback said just from the looks of it, I don't have the facts.

Mr. Van Horne said the house on the right side is 23' from the point of your garage to the nearest point on that...Are there shrubs between the properties ?

Mr. Birnback said yes

Mr. Van Horne asked are they big shrubs ?

Mr. Birnback said they are approximately 8' tall. They are shown on the survey.

Mr. Kassis said to re-cap – according to your application, #9 Distances from Structure to Adjoining Structure ,

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house to the left is 22.5', house to the right is 23'. Side yards are 20' for each property. Yet you are proposing a two story addition, that uses what the zoning requires for one property.

Mr. Birnhack said no sir. The distance, you just mentioned, is from the house to house, its not to the property line.

Mr. Kassis said right. The distance to the property line to the house, on one side is supposed to be 20', but yet two houses are 23' apart. If people are going to keep building large houses, instead of 20' side yards, they are going to have what you are proposing. Its going to be very close, its not really what the intended purpose of the side yards was- to have houses equal to the side yards itself.

Ms. Batistic said that the requirement for side yards was 15' minimum and 35' combined.

Mr. Birnhack said Its fair to mention I am not getting any closer to the sides. I'm just going up. I am not expanding the houses. The existing house right now is not conforming. I'm not touching the distance from the house to the property line or to the neighboring houses- I'm just going up on the existing structure. I'm not getting any closer to the side yard, just going up.

Mr. Van Horne asked anyone here for or against the application ?

Ms. Furio said the houses that are across the street to the east, there are 3 new houses right on that corner. They are all very large (granted the properties are a little larger). This piece is pie-shaped, the one right next to it is square. The one around the bend, going down Heather Hill towards Demarest, is also a newer home and also more square. This one is kind of stuck right on the apex of the bend which is why it got that weird shape. So they are not really all pie-shaped, just this one that's the smallest one. The house next to it is also raised up about 4'. There is a retaining wall, so the house on the west side is up about 4', The house on the east is around the bend- pushed back this way- so on the apex of the turn its out there by itself. That's why it has that very narrow back end. The house across the street is that big pink brick house, which is very large, so that whole corner is being all re-developed.

Mr. Birnhack said I'm not sure if this is relevant but the house next to it is a little lower.

Mr. Van Horne said the house on the right side ?

Mr. Birnhack said the house on the right side. With the concern of the looks.

Mr. Kassis asked based on the comments made by various board members are you planning on making any changes to the application ?

Mr. Birnhack said should I, in order to get it approved ? I'm not sure.

Ms. Schultz-Rummel said you made a statement that you were not exceeding the existing side-yards. So why is your other side-yard going from 10.5' to 10' ?

Mr. Birnhack said I believe it was because of the cantilever . I'm sorry, you are right. Because of the cantilever, on the addition, on the left side of the house, because the property line is on angle, because its pie shaped, because we are getting further 2', there is 6", we are getting closer by 6" to the property. I'm sorry, that's a correction. We are getting closer by 6" because we want to make it square. I can certainly change the application and eliminate that.... I just wanted to make it work.

Mr. Van Horne asked would you stipulate to putting a window to the right side ?

Mr. Birnhack said of course, whatever it takes.

Mr. Kassis asked for a motion.

Ms. Batistic said I make a motion to approve the property due to the shape of the lot even though the side-yard is less than required but its only a small point. Actually the average on the East side is over 15', which is the minimum. If you take the front and the back the average is more than 14', which is close to what is required. I don't think its going to look any different than most of the houses in the neighborhood and I move to approve as submitted with the windows being added, above the garage, to the east on the 2nd floor; and the 6" on the west side. You will keep the same set-back you have now.

Ms. Schultz-Rummel said I'll second.

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Mr. Kassiss voted no.

The application was granted.

1341 Vanessa Miletic 62 Delmar Ave. B 1603 L 7

| Description | Required | Existing | Proposed | Variance |
|-----------------------------|--------------|----------|------------|----------|
| Front Yard Set Back | 25 ft | | | |
| Side Yard Abutting/Lot | 15 ft | 7.71' | 7.71' | 7.29' |
| Other Side Yard | 20 ft | | 12.37' | 7.63' |
| Combined Side Yards | 35 ft | 20.24' | 20.08' | 14.92' |
| Rear Yard Set Back | 30 ft | | | |
| Max. Livable Fl. Area (FAR) | 36.66% | | | |
| Lot Frontage | 100' | 62.18' | 62.18 | ENC |
| Lot Depth | 100' | | | |
| Bldg. Coverage | 20% | 21% | 24.7% | 4.7% |
| Impervious Coverage | 30% | | | |
| Height of Bldg | 28' | | | |
| Lot Area | 10,000 sq.ft | | 6218 sq.ft | ENC |
| Driveway | 10' | | 5' | 5' |

The applicant proposes an addition

Mr. Vincent Laino, Architect, was sworn in and gave his qualifications.

Mr. Laino testified we are requesting 5 variances: 2 side-yards, 1 combined, 1 for Building Coverage, and 1 for driveway. We are basically adding a new 2nd level to the existing house. We are going to remove the current 2nd level. Any areas, we will put the driveway variance aside for a second, for the 3 side-yards variances, the 2nd level we are maintaining the existing walls, we are just extending them up. On the first floor we do have small additions. Other additions on the 2nd level, they are not variance issues with respect to the required yards. The lot is under-sized, about 62% of the Zoning requirement of 10,000 sq.ft., at 6,218 sq.ft. That explains the hardship request for the Building Coverage Area. For the side-yards we are also about 62% of the required width, for an R-10 zone in Cresskill. The minimum R-10 frontage is 100', and we are a little over 62'. So we believe that that criteria along with the existing house, sitting within the existing set-backs, qualifies us for a hardship request in those areas. The driveway request is not sure if it is a hardship, but it's a matter that Vanessa and her husband have 2 cars. The Mom babysits. So they have 3 cars. They have a growing family. So it just gives a little bit of a chance when they come in and they park the car. So they can get in without having to park in the street. We will now go to the plans. The plans that you should be looking at are dated March 12. you will find that on the lower right hand corner of the 1st page, 001. The 1st page re-caps the spread-sheet on the right, in terms of the bulk requirements and in terms of what we are proposing and what is required. On the left is the site plan. The heavy rectangle in the middle of the site plan that's shown as a center line- it shows the required buildable areas in terms of set-backs. The existing, call down on the page north, the left of the page east, the existing house sits 7.17' away from the property line and we are proposing to put a wall right on top of that and go straight up. And the same thing on the left side, where its 12.37', hold that wall and go straight up.

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If you go to the 2nd page, which is A-111, basically when you look at the legend, everything that you see with walls without a crochet is existing to remain and where you see a grey tone on the wall, that's a new wall. So for the most part, in terms of the interior living space and non living space, this is all existing, besides a small extension to the garage, that is 4'4" by approximately 10' wide and you can see it in the front of the garage. So that is taking that existing non-conforming wall and extending it forward. Which still respects the front yard setback, but obviously its in that side-yard. In the back we are adding a partially covered deck. The existing deck goes about 5' beyond the east side of the house, and we are actually trimming it back, to keep it away from the property line. We are moving the existing portico and we are moving it over andThe second floor- we were advised not to show interior walls, so we blanked out- the second floor we are showing you- its all new construction, which is A.121. A201 shows you the existing house in the lower left hand corner and the front elevation. A.202 gives you the right side elevation. A.203 gives you the rear side elevation. A204 is the left side elevation and shows the existing house. What we have presented is not only a hardship request but also a betterment to the neighborhood. My presentation is done. Vanessa would like to say a few words.

Ms. Vanessa Miletic said we would like to stay in the community we have been here for 8 years. The children will start school in September. We love the town but we would need a nicer bigger home. We would like to improve the neighborhood, it is really coming up. If you drive around, there is a beautiful home in the corner that is gorgeous . They renovated a home that was similar to ours. It was an older home. If you drive around you see new construction and the neighborhood is really coming up. I want to contribute to that.

Ms. Furio said so currently the side-yard, the dotted line on page A.001, the dotted line in the center, crosses over the grayed out, that you were saying was the buildable area as per the Zoning ordinances but currently what you have is the shaded grey area. So you are just going straight up, you are not encroaching at all on the side-yards. That's what it is you are just going up. The only thing you are pushing forward is the garage to be a straight line across the front, and adding that 4.5.

Mr. Laino said correct.

Ms. Furio said and you are pulling in the deck off the back, off the side.

Mr. Laino said yes, if you are on that same drawing A.001, there's the steps on the back that would be the existing wood deck. That's being removed and you can see that that comes about 3.5' – 4' beyond the existing non-conforming condition. So we are removing...

Ms. Furio said explain on the first page. I see where the house is, I see the portico, I see the driveway. The extended driveway, what is that dark grey area which is on the edge of the house.

Mr. Laino said what you see in the light grey area is essentially the existing driveway. The dark grey area, the extended driveway, is that when a car comes in, it can park and not block the garage.

Ms. Furio said so its coming up and going over.

Mr. Liano said so you would go and kinda turn in.

Ms. Furio said so its just a little off-shoot, that you gonna have a little paved area to get the car out of the way of the garage. Its not straight back, its just

Mr. Liano said the curb cut stays the same, it doesn't get any wider, it goes back 21' or 22', from the property line it extends over to the side-yard

Ms. Furio said I see that its 5' off the property line, how deep is the area from that measurement ?

Mr. Liano said I would say, by looking at the scale, it is about 12' deep.

Mr. Kassis said isn't the requirement 10' ?

Mr. Liano said correct.

Mr. Kassis said you are requesting a variance for that ?

Mr. Liano said we made it in the application. I'm not sure whether it was in the Denial letter.

Ms. Furio said in 2.01 there is a picture of the front of the house. I see the neighboring property to the right, I see a window there, what's the distance between those two at that point ?

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Mr. Liano said I don't know. The houses are pulled back from each other.

Ms. Miletic said I think our lot is smaller.

Mr. Liano said the lot width and size are about 62% of the minimum required.

Mr. Kassis asked have we established this distances on the left side, structure to structure ? Were you able to establish what the structure is on the left side, the property on the left ?

Mr. Liano said 7.71 is the car on the left side and we are maintaining that 7.71.

Mr. Kassis said I'll repeat the question. Was it established what the distances between two structures are on the left hand side ?

Mr. Liano said I apologize for not being prepared for that question.

Mr. Kassis said its in the application #9, 'Distances from the structure to adjoining structures' and that was left blank. It was asked but was not completed – that's why I am asking.

Mr. Liano apologized.

Mr. Kassis said I have concerns about the width of side-yards in all applications, particularly when you are going up two stories when currently there is not a structure like that. To be 7.71' on one story versus 7.71' on two story with a roof above, is a significant impact on the air, light and space between the two structures. That's why the set-backs have been established. So this was approved, this building, years ago with the sized property.

There's ways to mitigate that, possibly putting the 2nd story back, not knowing what that number is, makes me concerned of what the distances are between the two structures. Even if the structure was similar to yours, ... if they built and they also had 7.71' , now we are talking about distance to distance of the two houses each 15', which is the zoning requirement, as I stated earlier, for one side-yard. We talked about before, in the previous application, of 15' and 20', as stated on your drawing. Without knowing what this house is on the left, that's also 7', we're not even Side-yard distance away from each other. I understand that for one story, but two story with a roof- without knowing that number.

Mr. Liano said we can have photographs. I actually think its 14.5' . I'm sure its more than 7'. The lot is 62% of the required 100'. 62' is the lot width, and we are extending out. We are going within a foot of the area allowed to go back within the 15' set-back on that side.

Ms. Furio said in looking at the picture there are a lot of bushes and trees, I can see the house on the right but I'm not sure I can make out anything on the left other than vegetation. So, can you see clearly the house on the other side or is it obliterated by all the trees and bushes ?

Ms. Miletic said there are trees and bushes. They have a double garage that doesn't have a second floor so it stands alone and is connected to the other side of the house. So its pretty far. I think that lot is almost double the size of our lot, it's a pretty big lot.

Mr. Kassis said so if they put an addition over their double garage, just like you are doing, and went up another 7', you could see where that would be an issue.

Mr. Liano said right, because you would have maybe 23' between structures, instead of 30'.

Mr. Kassis said... depending, it could be 30' , it could be 20' or 15' depending on the configuration is.

Ms. Batistic asked what is the existing height of the house ?

Mr. Liano said I would say its about, we have in the application, is 23'. One thing we try to do in these projects, especially on lots where the properties are tight. One of the tricks we do is raise the gutter line. Instead of 8' , we raise the gutter line about 2' , and then we make the roof so little steeper so if you look, in this case, they were raising that gutter line thirteen or so. So we don't go up to that front wall, and in the front we build

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dormers to help give a little bit more living space, but we've been successful in a lot of our projects in terms of maintaining the idea of giving the solution of the house. The house turns out to be much bigger than it actually reads on the outside. So it's a little trick in the trade, and I think what we're doing here is sensitive to the scale of the lot and the adjacencies, and that's just in my humble opinion . If you do look at some of the other houses, that have been expanded on, maybe the lots are a little bit bigger, but it certainly feels like it's in keeping in the spirit in the way this neighborhood is moving.

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

Anybody on the board have any further questions or comments based on the application as presented ?

Mr. Kassis said so there is no changes to the application, not considering moving the left side in a little bit, so we are not 7' two stories, you are raising it as is.

Mr. Liano said we were not really getting the next program, so what she really wants. I figure the only other place to really go is in the disallowed area.... I think that's kind of unfortunate. That's starting to eliminate the Portico. I think it creates other issues. The lot is 62% of the minimum required size and 62% of the minimum required width. I don't really think there's a lot of options.

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

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

Ms. Schultz-Rummel made the motion to deny the application.

Mr. Kassis seconded.

Ms Furio requested a Roll Call, and said a 'yes' means to deny.

The result of the vote were 3 yes's (to deny) and 3 no's (not to deny)

Mr. Kassis said if the motion fails it yields a discerning vote, then the application can't pass. So unless we re-open this thing up for consideration based on some of the comments that were just made, we could possibly re-vote on it, no ?

Mr. Van Horne said this is what we can do. We can carry the proceedings. Allow a 7th member to read the transcript. Which is one way to deal with it. You are free to amend the application. You withdraw and amend, if you want.

Mr. Liano requested to ask a question. So I apologize for not having the distances to adjacent structures. If I come to the next hearing with that information. Is that somehow helpful information ?

Ms. Furio said a little more information is always useful.

Mr. Van Horne said that was a concern of Mr. Kassis. It might be prudent to do that. Ask to adjourn it and leave you testimony open and in the meantime we'll get a 7th member to read the transcript.

Mr. Liano requested to ask another question. So we are applying for 5 variances. So you could say that the driveway is the only issue. It doesn't get evaluated where you can say we understand the 4 variances that are really hardship based on 62% of what's required, but the driveway is just one of the tasks. So its just interesting, there's no kind of feed-back to say why or what part is ...— its just a loss of a

Mr. Van Horne said yes

Mr. Liano said okay. Its interesting.

Ms. Westerfeld said if he brings in additional information, additional evidence, wouldn't we be re-evaluating our opinion ?

Mr. Van Horne & Ms. Furio said yes.

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Ms. Westerfeld said so even if the 7th person goes either way, its still not determined. We just won't have a second tie.

Ms. Furio said correct

Mr. Kassiss asked what is the precedent for us following this procedure in 20 years I've not experienced this.

Mr. Van Horne said I am reading from the bible, Land Use,

In the interest of satisfying your question, it's a fair thing to do and a just thing to do.

Mr. Kassiss asked couldn't we just open this for discussion tonight ?

Mr. Van Horne said you may ask to carry it to bring in additional information.

Ms. Furio said additional information: the distance between structures, the driveway..

Mr. Liano said how do typically people present that information ? My understanding depends on locating buildings by a licensed land surveyor not an architect. So you take measuring tape and measure between structures versus something that is shown up on a land server.

Ms. Furio said if you have the right survey of the adjacent and the distance between...

Mr. Liano asked and how will we get that ?

Mr. Van Horne said on the application it is one of the questions.

Mr. Liano said yes I know, I'm sorry I missed that. How will I actually get that dimension.

Ms. Batistic said you have the set-back with the property line. So if you measure between the building to building.

Mr. Liano said right. My question to you is so I will take a tape measure – that's all....

Mr. Kassiss said we have already said a surveyor, someone licensed to do this. We can't have people running around with tape measures.

Mr. Van Horne said I think the course you should follow is that you would ask for reconsideration of your application at the next hearing. You have to re-notice. You can amend it, if you choose to amend it, at that point, and you can also have other testimony. We won't ask you to repeat the testimony. Then I would suggest also that you ask that a 7th Board member review the transcript and be prepared to....

Ms. Furio said so we will carry to the next hearing ?

Mr. Liano said sure.

Ms. Furio said adjourned to the next hearing.

Mr. Van Horne said if the plans are not changes, they need not submit more copies.

Ms. Miletic said we are just going to get a 7th board member, we need a little bit more of additional information: the distance between.... and the driveway and a nice to have and a need to have.

Mr. Liano asked do I need a licensed Land Surveyor or that can come from using a tape measure ?

Ms. Miletic asked can we use the survey from the adjacent property ?

There was a discussion about whether an up to date survey would be available.

Mr. Van Horne said that it is prudent to re-notice (*to avoid controversy*). I suggest that you re-notice.

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| Description | Required | Existing | Proposed | Variance |
|-------------------------------|-----------------|-----------------|-----------------|-----------------|
| Front Yard Set Back | 25 ft | | | |
| Side Yard Abutting/Lot | 15 ft | 12.8' | 5.75' | 9.25' |
| Other Side Yard | 20 ft | 12.8' | 12.8' | 7.2' |
| Combined Side Yards | 35 ft | 25.6' | 18.55' | 16.45' |
| Rear Yard Set Back | 30 ft | | | |
| Max. Livable Fl. Area (FAR) | 34.86% | | | |
| Lot Frontage | 100' | | | |
| Lot Depth | 100' | | | |
| Bldg. Coverage | 20% | 25.2% | 23.5% | 3.5% |
| Impervious Coverage | 30% | | | |
| Height of Bldg | 28' | | | |
| Lot Area | 10,000 sq.ft | | | |

The applicant proposes to construct an addition.

Mr. Fuat Mamo introduced himself as Fuat Mamo (not 'Goshen' as shown on the Letter of Denial and on the Agenda). He has been living at 384 Lafayette St for 29 years.

Mr. Mamo was sworn in.

Mr. Mamo testified that he needs a few variances. He did his best to minimize everything. He complied with the FAR and the Impervious Coverage. The existing house is one story. I removed the wood deck to comply with Impervious Coverage. I removed part of the garage which actually I'm asking for variance to make two car garage. I'm going second floor also. I comply with the Front Set Back. I comply with the Back Set Back. On the Left Hand side I have 4.8', which requires 15'. I am asking for variance for second floor. On the right hand side I am extending the garage by 7' which I'm asking for variance for 9.25', which report right now is 5.7'. The right hand side of my house, I have picture here, is the first garage which is almost next to my property. The house on my right hand side is facing Lexington Ave. which is from the corner of the house to the garage to thegarage to the house is about 50'. We are not going on top of the garage two floors.

Ms. Furio asked you are talking about the house next door is 50' ? What's 50'.

Mr. Mamo said the house- the right hand side ?

Ms. Furio said the next house not your house.

Mr. Mamo said right about 50' from my

Ms, Furio said building to building

Mr. Mamo said because the house is on Lexington Ave. on my right hand side.....Their garage is about 2' away from my property line.

Mr. Corona asked did you measure the distance between house to house.

Mr. Mano said yes.

Mr. Coronaleary asked how did you measure it.

Mr. Mano said with a ruler – tape measure.

Mr. Mano submitted a photo of the house to the board

Ms Furio said you are saying that one house is 50' away and the other house is...

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Mr. Kassis asked you can see the detached garage ? We are talking about the detached garage.

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Mr. Kassis said approvals of past applications have nothing to do with the approval of your application.

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Mr. Manos said you know I've been living in this town for 29 years. What works for one, works for the other one....

There was a heated discussion between Mr. Kassis and Mr. Manos

Ms. Furio said lets not get into a shouting match. Each application is based on its own merits. If there was a five foot set back that was approved for somebody, which I can't recall at the moment because I don't know we ever approved something that small. It had to be based on the merits of the lot and the situation at the time for that particular application.

Mr. Manos said I do understand that, but you know that's why I'm asking the board to approve. I looked every possible way I could to minimize my variance. Even for Building Coverage even if I have to take some of the houses down....

Ms. Furio said okay, we have seen that you tried to conform very nicely, but the one piece of information that's kind of critical is the distance between the detached garage and your house. Now if you have to move your garage one way or the other to make sure that that happens, I would suggest that rather than going back and forth while one application was approved so you need to approve one, that's not really something that I can see happening currently. Because we don't have the information, the absolute between the detached garage and where your garage is going to be. Correct me if I'm wrong, but I think you maybe you need to adjourn, or move forward, or carry so that we can get that information. Take the flavor of what the board is hearing about the side yards being from acceptable to a much smaller number and ...

Mr. Manos said ...how far exactly is the garage...

Ms. Westerfeld said I have one question. Is there any chance you can have the garage long and skinny ? With one car in front of the other instead of next to each other.

Mr. Corona said it would solve a lot of your problems.

Mr. Manos said... I don't mind I would do it....

Mr. Kassis said keep the same set backs.

Mr. Manos said yes retain existing set backs.

Ms. Westerfeld said just make it longer.

Mr Manos said make it longer.

Mr. Kassis said you will still need to come in front of the board.

Ms. Westerfeld said he could amend it here if he wants.

Mr. Kassis said yes, he could amend it right here and now.

The board discussed with Mr. Manos the changes he must make to the plans.

Ms. Furio said you don't have the distance between, the one stopping point, is the distance between the two structures. You don't know what that is, but that has to happen.

Mr. Manos said that is the most important thing...

Ms. Furio said you still need to know what it is, because we don't know what it is currently,

Mr. Manos said I'm going to get it from the architect or the engineer.

Ms. Furio said in doing so, you have to come back anyway to testify to that system.

Mr. Manos said yes.

Mr. Van Horne said preferably the architect or the engineer.

Ms. Furio said right and then you can decide to do or not to do something.

Mr. Van Horne said and then you have to be very specific about the dimensions and so forth and you are going to amend the application.

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Mr. Manos said first I have to find out how far is the garage from there. If the garage is far enough, requires more that 10' or 12', can I stay with two car garage ?

Ms. Furio said that would be up to you.

Mr. Manos asked and one long one car garage ?

Ms. Furio said that would be up to you which way you want to go.

Mr. Van Horne said you must make the decision.

Mr. Manos said if I have the distance between the 2 garages

Mr. Van Horne said right. you can keep (*the 2 car garage*) but you must carry..

Mr. Manos said but if I don't have it...

The board advised that he must revise his application

Mr. Van Horne said the application is carried to next month. You don't have to re-notice. If it's less then 10', you will withdraw the application and start over.

Mr. Manos agreed.

MEMORIALIZATIONS

None

Ms. Furio motioned to close the meeting

Ms. Batistic seconded