

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 7:30 pm  
Minutes July 23, 2020**

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

Present in Zoom: Ms. Batistic.

Absent: Ms. Westerfeld

**Ms. Furio** chaired the meeting

**Mr. Kassis** hosted the Zoom attendees.

The meeting was called to order at 7:29 pm.

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

**Mr. Kassis** approved the June 25, 2020 minutes

**Ms. Cleary** seconded

**Applications**

**1362 Jeffrey & Lenore Gould (IXAM Rlty) 73 Jackson Dr B 303 L 5**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	50 ft	55.44 ft		
<b>Side Yard Abutting/Lot</b>	<b>30 ft</b>	<b>31'</b>	<b>10'</b>	<b>20'</b>
Other Side Yard	30 ft	42'	42'	
<b>Combined Side Yards</b>	<b>60ft</b>	<b>73'</b>	<b>52'</b>	<b>8'</b>
<b>Rear Yard Set Back</b>	<b>75 ft</b>	<b>77.85'</b>	<b>54.9'</b>	<b>20.1'</b>
<b>Max. Livable Fl. Area (FAR)</b>	20%	11.01%	16.53%	
Lot Frontage	150'	249.1 ft	249.1 ft	
Lot Depth	200'	251.28 ft	251.28 ft	
<b>Bldg. Coverage %</b>	12.5%	9.07%	11.58%	
<b>Impervious Coverage variable</b>	35%	21.78%	24.03%	
Height of Bldg	33'	29 ft	33 ft	
<b>Lot Area</b>	40,000 sq.ft	43,393.9 sq.ft	43,393.9 sq.ft	
Min.Driveway side-yard				

**Mr. & Mrs. Gould are before the ZBOA, they propose to construct an addition. This application was re-scheduled from the June 25, 2020 ZBOA meeting. The application was withdrawn by the applicant on 7/17/2020**

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**1363 Carol Florio                      304 Brookside Ave                      B 193 L 3**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	31.34 ft	31.34 ft	
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>14.92 ft</b>	<b>14.02 ft</b>	<b>0.98 ft</b>
Other Side Yard	20 ft			
<b>Combined Side Yards</b>	<b>35 ft</b>	<b>41.6 ft</b>	<b>29.27 ft</b>	<b>5.73 ft</b>
<b>Rear Yard Set Back</b>	30 ft	50.1 ft	46.89 ft	
<b>Max. Livable Fl. Area (FAR)</b>	33.6%	10.57%	12.82%	
Lot Frontage	100 ft	79 ft	79 ft	<b>ENC</b>
Lot Depth	100 ft	100 ft	100 ft	
<b>Bldg. Coverage %</b>	20%	11.38%	13.63%	
<b>Impervious Coverage variable</b>	32%	25.19%	27.12%	
Height of Bldg	28'	21.29 ft	21.29 ft	
<b>Lot Area</b>	10,000 sq.ft	8901 sq.ft		<b>ENC</b>
Min.Driveway side-yard				

**The applicant proposes to construct a one story addition**

**Mr. Santino, Architect**, introduced himself. He is representing the applicant.

**Mr. Santino** was sworn in

**Mr. Santino** presented an exhibit to the Board that displayed the pertinent application documents.

**Mr. Santino** said this is a very simple application. Its an existing single family house in the R-10 zone on a 8900 sq.ft lot. The exhibit that I am referring to, I will mark as A-1.

*Mr Santino described the photographs on the exhibit. An aerial photo of the neighborhood and a photo of the single story house in the application.*

**Mr. Santino** testified the house consists of 941 sq.ft on one floor. That's the only habitable floor. There are 2 small bedrooms, a living room, a small kitchen and a dining room. What we are proposing is a convenience addition to this particular single family house. The subject property as illustrated on my plan indicates the house and indicates the proposed 200 sq.ft addition. We are adding a 12.5' wide by 15' long single one story addition to the existing structure on the west side of the existing house. The zoning chart has been prepared by Mike, and we do not have any variances other than the 2 de-minimus side yard variances, that we are here seeking your approval. All of the other requirements have been met, including FAR, Building Coverage and all those particular....(zoom interruption). Everything is listed on my plan. We have no variances for Coverage or FAR or that kind of stuff. Its just basically 2 side-yards. The first side-yard is already an existing condition. The first side-yard variance is .08' from the north side. The south side is approximately....an existing condition and is not going to be touched. The proposed addition is 12' by 16' will be 14.02' away from the northern property line. The distance between the existing house and the proposed addition will still be 35'. No impact to light, air and open space to neighbors to the North . The next exhibit shows what we are looking for. The 2nd exhibit I have is an architectural plan that is very simple. It will be marked A-2. It indicates basically a modest small addition to this house to make it more convenient and more livable for my clients. The addition is a small extension of the existing kitchen. There is going to be a new entry way from the driveway that will be covered. This addition will have a new bathroom, a new coat closet, and a laundry room. That's why I refer to this as a convenience addition.

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**1363 (cont.) Carol Florio 304 Brookside Ave B 193 L 3**

Right now the owner has to go through the basement, and the basement is not habitable, to do her laundry. These are old stairs.....they decided to try to see what we could do with a modest expansion of this property. This drawing, which is an architectural drawing, indicates the scale and the character of the proposed addition and how it relates to the existing house, and it has a very similar architectural feel to it. The exterior will be matching to what's on the existing house, and I am respectfully requesting that you consider granting the two yard variances as this proposal would not be detrimental to the intent and purpose of the Zone plan or the Zoning ordinance. I think that your not granting this would be bad thing to the purpose of Zoning- in my opinion.

Thank-you.

**Mr. Kassis** asked what you provide on the easel is everything we have, with the exception of the photograph ?

**Mr. Santino** said yes.

**Mr. Kassis** asked is that photograph taped ?

**Mr. Santino** said it was taped.

*Mr. Kassis took a picture of the photograph.*

**Mr. Santino** said I have a series of photographs if you would like to see them.

**Mr. Kassis** said could you explain the nature of the picture that the member (on Zoom) is looking at.

**Mr. Santino** said the existing condition of the single family house on 304 Brookside Ave. The photograph was prepared by me, and taken on January 30 of this year.

**Mr. Kassis** said Thank-you.

**Ms. Furio** said do you have the letter of denial in front of you. Can you look at the 2 side yards.

**Mr. Santino** said OK

**Ms. Furio** said and explain how you got those numbers. If its existing at 14.92 on the 1<sup>st</sup> side-yard, and the proposed is 14.02'.

**Mr. Santino** said that's the other side. That's the North side that doesn't get touched. That's already an existing non-conformity, if you will, by elimination.

**Ms. Furio** said OK. So, if its existing currently at 14.92, and you're not touching it, the proposed should still be 14.92.

**Mr. Santino** said that's what I'm saying it is.

**Ms. Furio** said OK that's not what it says here. 14.92, 14.92 that remains the same. To be 15 and if its 14.92, then its just point inches, not 5 ft.

**Mr. Santino** said no, but that's the other dimension. That's this dimension, where the addition will be. I thought it was kind of strange that this was done this way but it was done by your .....

**Mr. Van Horne** asked can you tell us what's the existing other side-yard ?

**Mr. Santino** said the existing other side-yard right now is 26.43' from the north base of the house to the existing property line.

**Ms. Furio** said 26.43 currently.

**Mr. Santino** said yes, currently.

**Mr. Van Horne** asked and what's the proposed ?

**Mr. Santino** said the proposed is 14.02'.

**Mr. Van Horne** said okay.

*The Board concluded that the Zoning Table, that they had, was the other way around.*

**Mr. Van Horne** asked what's the variance needed for the other side-yard ?

**Mr. Santino** said 0.98. Less than a foot.

**Ms. Furio** said .98 on the one.

**Mr. Santino** said yes

**Ms. Furio** said on the existing.

**Mr. Van Horne** said .08.

**Ms. Furio** agreed.

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**1363 (cont.) Carol Florio 304 Brookside Ave B 193 L 3**

**Mr. Van Horne** said then on the other side-yard it would have to be ?

**Mr. Santino** said we're short by 5.73' .

**Mr. Van Horne and Ms. Furio** agreed.

**Mr. Santino** said for the combined yards of 35'.

**Ms. Furio** said so you are putting the addition on the north side...

**Mr. Santino** said on the north side. The area of the exact north side .....would make this a very modest room in 200 sq.ft simple, as I call it, convenience addition.

**Ms. Furio** said does anyone on the Board have questions or comments ?

**Mr. Kassis** said the driveway that is currently there is remaining ?

**Mr. Santino** said absolutely correct.

**Ms. Furio** said so nothing changes with the size of it. It stays where it is.

**Mr. Santino** said exactly. The walkway will stay the same to the front door. The only thing that will occur, is that the steps will be moved slightly to the front ...*Zoom interference*.... of the property line.

**Mr. Kassis** asked is there going to be any air-conditioning units on the left side of the addition ?

**Mr. Santino** said no there will not be.

**Ms. Furio** asked are there any further questions or comments from the Board ?

**Mr. Corona** said I noticed the neighbor to the north has a similar kind of addition but has like a tiny breezeway that makes it look even longer- the neighbor to the north the guy next door to you .

**Mr. Santino** said yes, the neighbor is in the audience right now.

**Mr. Corona** said anyway, this is a little bit more modest.....you certainly do have a good amount of space with the neighbor next door...

**Mr. Santino** said there is still a bit of light, air and open space that's not going to be degraded in any way, shape or form.

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

*Mr. Amin of 306 Brookside Ave introduced himself and was sworn in.*

**Mr. Amin** said he has no problem with the project.

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

**Ms. Furio** asked any more comments from the Board regarding the application ?

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

**Mr. Kassis** said I'll make a motion to approve.

**Mr. Cleary** seconded.

The application was granted.

**Ms. Furio** announced that the first Application 1362 for 73 Jackson Dr has been withdrawn, is there anyone here in the audience for that application ?

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**1364 Mark Kim 116 Magnolia Ave B 46 L 753.01**

Description	Required	Existing	Proposed	Variance
Driveway setback	10 ft		0	10 ft

**The applicant proposes to expand his shared driveway..**

**Mr. Mark Kim** was sworn in.

**Mr. Kim** testified that he was the owner of 116 Magnolia Ave. I think I have submitted all the requirements. I have a copy of the site plan. There are no major changes to the property itself. The request that I am asking for the variances occurs on the driveway on the Magnolia Ave that is facing the property. I guess that's the northern side. So right now, turning the ..... driveway on the left side, this driveway has easement and there is a problem with shared driveway because of the property. What I'm trying to do is put the driveway on the right side and get rid of the easement. Since I'm not making any alteration to the property itself. The fact that it is something simple. I hired an architect to draw up the plans. This is the first time I come here and I thought it was a very straight forward application so .....The property is small. The frontage is 47.5 by 100 so its 4700 sq.ft. What I was informed was that, I knew that, clearance from the property line to the property of 10' from the driveway there. So that's why I'm submitting variance application to allow the driveway, square footage of 330 sq.ft.

**Ms. Furio** said so the existing driveway, that goes all the way that's shared and goes all the way back to the garage, remains. You're not doing anything with that ?

**Mr. Kim** said I'm going to get rid of that.

**Ms. Florio** said so you are taking up that whole thing ?

**Mr. Kim** said yes.

**Ms. Furio** said you're putting a paver driveway ?

**Mr. Kim** said are you talking about the current driveway or the new. I want to put a paver driveway.

**Ms. Furio** said right. So the new, where you are intending to put 330 sq.ft., it just is 2 cars and a .....nuts a.

**Mr. Kim** said exactly

**Ms. Furio** said getting them off the street. And the whole rest of the asphalt that goes on the other side, that's shared all the way to the back, that's all coming out. And that will be green space.

**Mr. Kim** said yes. It will be turned into grass.

**Ms. Furio** said grass.

**Mr. Kim** said that's what I would like.

**Ms. Furio** said it looks like the space available is so that you are right on the line.

**Mr. Kim** said yes. If you look at the property on the left side- from my property line to the wall of the property ...is exactly 5' . So, as there is a corvette there in winter time, there was an incident where they were backing up at night time.

**Ms. Furio** said on the shared driveway.

**Mr. Kim** said yes on the shared driveway side there were 2 incidents where the car hit the house all because its so tight that they can't make a U-turn . I thought that it's safer for everybody that they have their own driveway so that there is no similar accidents like that again. My goal is for safety and the house caused me a lot of work. It was built in 1920. I slowly fixed it up. That's why I ask you....

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**1364 (Cont.) Mark Kim 116 Magnolia Ave B 46 L 753.01**

**Mr. McCord** asked what are you going to do with the garage, that's being removed too.

**Mr. Kim** said no, the garage currently is used as a storage space. A lawn mowing machine, and just things that fit in. The garage is so small anyway, I can't put the car in anyway. So it functions only as a storage space. Ideally, I would like too- I spoke with the architect and they said that with the current drawing there shouldn't be - it's a big improvement without taking up more space with a small property....

**Ms. Furio** said if you are using the garage as a storage facility or shed, currently you have the driveway to pull the stuff in and out- like your lawn mower etc. Are you going to have some sort of walkway from there to somewhere, or is it just going to be grass all the way up to the front ?

**Mr. Kim** said so if you look at the right side of the property, the neighbor, 120 property, on the property line, has a deck that literally comes on to the property line. So, I think that was a reason why, I think, she was against me putting the driveway all the way thru, and I thought that was the reason..... so I decided not to do it. I would like to put like a, maybe a walkway where the shed is, from the .....this thing. I guess I could keep it as grass. I would prefer to keep that as grass. Because there is a deficit of lawn space on the back anyway. The property is really small.

**Ms. Furio** said does anybody on the board have any questions or comments ?

**Mr. Kassis** asked the depth of the proposed driveway is 21.56 ?

**Mr. Kim** said correct, sir.

**Mr. Kassis** said so it is not going beyond the front main portion of the house.

**Mr. Kim** said exactly. I would like to stop at the – there is a little deck that is in front of the property, like a porch.....up to where the property line is. I spoke with the architect. The engineer from the town recommended that if I move this more towards the left side I don't need a variance and he could ..... But when I spoke with the architect- then you have to take the whole deck out .....not only that there was an issue about the sewage line coming on the property.....so I talked to ... so this is the most simple, the most cost effective .....good to the pedestrians because on this side there is a driveway already and then next to the parking on 120, their driveway is on the other side so I won't have any issue but right now the driveway is shared and there is a car there, so there is hardly any space for a mini-van to go thru the clearance . There is very tight space so there is like 2 accidents (*Mr. Kim described the accidents*).

**Mr. Kassis** said you mentioned the easement. Was that a reciprocal easement between both parties ?

**Mr. Kim** said I am the owner of both properties.

**Ms. Furio** asked where the shared driveway is ?

**Mr. Kassis** said OK, if you weren't that would be a problem, because they would be entitled to use your driveway and you couldn't pull up the driveway. We've had an application in the past where there was a shared driveway.

**Mr. Kim** said so that was an issue before. I'm a licensed real estate agent. When I purchased the property 112, about 10 years ago, I was living there for about 4 – 5 years, and then there was issues then. I spoke with the past owner of this property and she was not cooperative. She was not good property owner. There was a problem with the pavement. There was also issue of who close it and who fixes it, and there was also an issue of when they had a visitor, they block the driveway. So I thought probably this was the best way to resolve it, so I purchased the other property.....if I owned both properties I could get rid of the easements.

**Mr. Kassis** said in the case if we were to grant this and you couldn't remove it now we've got 2 ....

**Ms. Florio** asked any other questions or comments from the Board ?

**Mr. McCord** asked is the fence next to where this new driveway is going to be, right against where the pavement is going to be. Is there any space in between the two ?

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**1364 (Cont.) Mark Kim 116 Magnolia Ave B 46 L 753.01**

**Mr. Kim** said my neighbor’s fence is on my property. I would prefer not to have that fence but I didn’t want any issues of it because she was a person that I respected, and I respected her wishes. So I didn’t have any issues with it. It didn’t bother me but unfortunately this year, she passed away. It is my property, but I didn’t make any issues of the fence being on my property, because it was an old fence and it doesn’t look like a fence, it just looks like a small.....post... and its completely rotted anyway. Its not standing anymore, I think only 2 posts is left, everything else is on the floor

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

Anyone on the Board with questions or comments ?

Would someone like to.....

**Mr. Kassis** said make a motion to approve the application.

**Mr. Cleary** seconded.

**The application was granted.**

**Memorialization**

**Mr. Ulman** said that he was present to hear the memorialization.

**1361 William & Lisa Ulman 135 14<sup>th</sup> Street B 128 L 230-231**

Description	Required	Existing	Proposed 6/25/20	Variance 6/25/20
Front Yard Set Back	25 ft	39.44’		
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>0.19</b>	<b>7’</b>	<b>8’</b>
<b>Other Side Yard</b>	<b>20 ft</b>	<b>10.63’</b>	<b>10.53’</b>	<b>9.47</b>
<b>Combined Side Yards</b>	<b>35 ft</b>	<b>10.82’</b>	<b>17.53’</b>	<b>17.47’</b>
Rear Yard Set Back	30 ft	78.5’	52.2	
<b>Max. Livable Fl. Area (FAR)</b>	<b>39%</b>	<b>22.5%</b>	<b>46.7%</b>	<b>7.7%</b>
<b>Lot Frontage</b>	<b>100’</b>	<b>40’</b>		<b>ENC</b>
Lot Depth	100’	150’		
<b>Bldg. Coverage %</b>	<b>20%</b>	<b>19.6%</b>	<b>24.9%</b>	<b>4.9%</b>
<b>Impervious Coverage variable</b>	<b>35%</b>	<b>33.7%</b>	<b>45.3%</b>	<b>10.3%</b>
Height of Bldg	28’	27.2’	27.2’	
<b>Lot Area</b>	<b>10,000 sq.ft</b>	<b>6000 sq.ft</b>		<b>ENC</b>
Min.Driveway side-yard	10’			

**The applicants, William & Lisa Ulman, who were granted the above variances to construct a 2-story addition with a deck.**

**Mr. Kassis** made the motion to close the meeting at 8:03 pm

**Mr McCord** seconded.