

**Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 pm
Minutes May 26, 2022**

Present in Person:, Mr. Kassis, Ms. Batistic , Mr. Cleary, Mr. McCord, Ms. Westerfeld, Mr. Corona, Mr. Van Horne Esq.(Board Attorney), Ms. Bauer (recording secretary)

Absent :

Mr. Kassis called the meeting to order at 7:30 pm

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

The April 28. minutes were approved by Ms. Batistic and seconded by Mr. Cleary

Application

1391 Richard & Kathleen Perez 11 Deacon Place B 193 L 112

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	27.8'		
Side Yard Abutting/Lot	15'	13.65'		enc
Other Side Yard	20'	14.55		enc
Combined Side Yards	35'	28.2'		enc
Min. Rear Yard	30'	40.24'		
FAR	33.6%	35.22%		enc
Height of Building	28'	27'		
Lot Frontage	100'	95'		enc
Lot Depth	100'	121.57		
Bldg. Coverage %	20%	22.75		enc
Impervious Coverage variable	30%	39.5%	39.4%	9.4%
LotArea	10,000Sq.ft			enc

The applicants are before your board for approval. They propose to construct a pool.

Mr. Richard Perez was sworn in.

Mr. Perez testified that I have lived in this town for 30 years and had raised my 3 kids here. I d coached baseball, football and all the sports and everything else. I belonged to the PTA

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and everything else. My kids were born here, and now they are all in college.

I originally bought a ranch. Twenty years ago we *send* it back, and then 11 years ago we built a semi colonial.

Mr. Kassis said that this qualifies you to sit in front of the Board.

Mr. Perez said Thank-you.

Mr. Kassis said so your application. Before you just said that you could explain what you are here for.

Mr. Perez said I'm here for a variance. For a coverage variance to put in a pool. I recently sold my shore house, because the kids don't want to go there anymore . I have no pool, I want to put a pool in my house up here. Currently my lot is existing non-conforming for coverage. I'm proposing to take down a shed and take down a section of paver on the rear right of my house. Therefore actually lowering my existing non-conforming existence. Also, we will still need a variance to make it existing conforming.

Mr. Kassis said OK. So, there was an error that you spoke of.. How would you characterize the mistake.

Mr. Perez said I was denied because the requirement is 30% and I'm proposing 39.4%, but I have only 95' of frontage, so my required would be 30.4%. So I would need only a 9% variance, not a 9.4% variance.

Mr. Kassis said so the last time it was being proposed ?

Mr. Perez said an even 9%

Mr. Kassis said OK, so what we are going to do. We are going to move forward with the variance the way it is currently provided to us. If it is less, as long as its not more, it will be worked out with the Zoning official. That being said, are there any questions for the applicants regarding this. To be precise, whatever is existing on your Impervious Coverage is remaining and is being re-configured so that you don't exceed with current.

Mr. Perez said its actually being lowered. The right rear corner shed is being taken down, and a useless piece of paver that I have along side the rear of my house, not the actual patio, but the right of the patio, is being removed also. Which is good for decoration. If, I would just take down my shed, then I would have enough to equalize the square footage I need for the pool. The shed and pool equalize themselves out. Actually, a little bit less, and I'm just taking out the other piece of pavers, just to take them out. So I'm lowering my existing coverage that I have now...

Mr. McCord asked is the frontage 95', exactly ?

Mr. Perez said yes, exactly .

Mr. Kassis asked Any questions for the applicant ?

Ms. Batiste said I just want to point out that the plan also said that the required was 30%. So I believe maybe that the Zoning officer used....

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Mr. Perez said no, actually he got it right the first time, he told me 30.9. I took that to my engineers, and they came back with 30.9, sorry, I meant 30.4, and they came back and redid it with 30.4. And then when I brought it to him again, he said no its 30%, and I didn't have this paper here to check, and I couldn't figure it out, and I said you told me that, it was just a mistake, and then I realized why, he was correct the first time.

Mr. Kassis said so we're going to have to take the application in front of us. In case there is a mathematical error, if we move forward with the application as it is advertised and it turns out to be less, that's just between you and the Zoning official. If we lower it now, and it turns out you need a little bit more, you would have to come back here. So we'll move forward unless there is objection from the community. If there are any other questions from the board, if not then I'll open- any other testimonies before we open.... That being said is there anyone here tonight for or against this application or wants more information ?

A member of the audience said she wants more information. Mr. Kassis asked her to step up to the microphone in front of the podium.

Ms. Faltina (neighbor from across the street) was sworn in.

Ms. Faltina complimented the applicants on their holiday decorations.

Ms. Faltina said the notice of the application that she got, did not give details of the application.

Mr. Kassis said anytime an application comes before us for adjustments, we would hear the application, we would make a decision , if those adjustments seem acceptable, we would vote on those particular adjustments. When we say adjustments, there are Zoning requirements in town already have set-backs : from the front 25', from the side combined 35', from the back so on and so forth. That includes Impervious Coverage, it includes things like Floor Area Ratio. So all those are not coming into play for this application. Because the house has already been approved. The conforming aspects do not need to be voted on. The applicant coming in for new construction to construct a pool, has to re-affirm.....it's a formality. That's why the individual things that are not listed there are not part of the application tonight.

Ms. Faltina said thank-you. In relation to the pool where would the water comes out to ? Because we're straight in Deacon Place basically about 5 houses down. When there is a situation ... when there is a rain like 2 or 3 months ago.

Mr. Perez said currently my property is the lowest property on the plot *drawing* . Years ago, when my property, in the rear of my house, the current house used to veer up and attach to Mr. *Downey's* house . It used to be one piece of land, and the water would rock. Years ago, I leveled it off, much as I could. Actually, I'm going to level it down a little more a few inches, just to make it even with the rest of my propertyand I put a retaining wall there, very little water comes to my property now. And on the rear of my house, under my paver patio, I have a French drain that was built by a specialist years ago, and I have never had water problem and both my

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neighbors and my rear neighbor- all their properties are higher than mine in the back. And I have had no water problem. Is there water in the drain.....

Ms. Faltina said the water actually runs. We're actually to the right and across the street on the corner of Clark. The water runs on the front of your property all the way down that street towards *Pierce* or whatever its called. It doesn't take that much rain, for rain starting to really drain this much into the street on either side.....I'm kind of afraid of that. We're actually flat further down on the street, with *soft drive* and things like that. So that was my worst sort of question. So, I'm not an expert on plans or anything, but when I looked at the plans and I see it's a round, its like pavers around the pool. *Is that the first pool with the pavers around it?*

Mr. Perez said it's not a pool with pavers around it. That's the cement coping. And that paver patio here is actually going to be removed. And it's just around the pool. Its less square footage then we have now, but we have it there, so we are going to keep it there.

Ms. Faltina said you are removing the patio but the drainage underneath it will remain

Mr. Perez said oh sure, has to.

Ms. Faltina said OK. Certainly I just feel a shift if this much water goes under it..... the pool is a lot more over water body.

Mr. Perez said the main concern that I had, and I spoke to my neighbor, Mr. Callahan, who lives next door. My property right now, is smaller than his, so even if my pool flowed over, it would not go into his property, it would go into the street, it would go into my house first, then go out into the street and I'm not concerned about that.

Mr. Kassis asked when your house was constructed , was a water seepage pit installed ?

Mr. Perez said no, wasn't required. The drainage, about 3' off my house, when we bought it, we put in a gravel, dug it all the way down, sealed it, outside the house, put gravel with perforated pipes and drained it out into our gutter system. In fact the pavement we have here, I built it myself. I realize now, 15, 20 years later, I could be wrong, I bought the right block , and dug it out and put it, never had a problem. My neighbors property is now mostly under my property. Now this time around, I have an infraction bullet, and I was told that I should have put gravel behind the retaining wall, and as a further retaining wall I will put a flower bed. So if any water does come over, it will seep into the flower bed. Its not going to be anything hard nor grass even. My retaining wall is pretty good.

Mr. Kassis said Thank-you very much. Is there anyone else here ? Please step forward.

Mr. Joe Donnelly, 7 Clark St. Cresskill was sworn in.

Mr. Donnelly said I think that Rich should probably answer one of my questions. My concern was with the retaining wall, because now 2' – 2 ½ , and now with new risk evasion, and pool and what not conservative , my side yard is just going to rot away. Okay. So this retaining wall, I just want assurances, that this retaining wall is going to be inspected clearly and correctly, because I don't want my property sliding.

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Mr. Kassis said right, that's for the town Building Dept. to analyze and of course you have legal recourse should something like that happen. I think the issue before this Board is whether or not it should grant this application, where the applicant is actually going to decrease the Impervious Coverage .

Mr. Donnelly said I realize that, and, you know, by moving ahead with the approval of the variance, the construction will begin, and then, you know, it's a 'faite complis ', so to speak. So I am concerned, and I want assurances either from Richard, or from the town, that this wall is going to be done properly.

Mr. Perez said Joe has known me for a long time. I've always kept my property.... I've done everything to the best. The retaining wall, when I dug it out many years ago, stupid thing, I put in Railroad ties and Re-bar , I thought that would hold it. I realized that it was bending. So I went out and bought big blocks, interrupting blocks. I did it wrong of course, I found out now, but I just strung it out myself, put the block up, and its been there for 20 years, and your property has not moved. I mean its there. Actually my fence is on the higher part. My property comes up to the retaining wall, and my fence is behind that on the higher part which now is my area. My tank had to be moved. This time, if he doesn't want to do it, the retaining wall is not in the plan, I'm replacing it.....If water does come down it will not go into another property or anything else.....

Mr Kassis said so you can retract your concerns. All applicants that come before this board, if they are approved, are subject to all requirements for building with the Building Dept. who will, and they have done it plenty of times, stop jobs, if they are not following the approved building specification codes. So the town will be involved every step of the way, and can stop this job, at any time, if there is an issue that you are maybe, concerned about its legitimacy.

Mr. Donnelly asked you have not replaced the fence . I'm not sure what you will place there.

Mr. Perez said exactly what's there, same height*described where the fence would be placed without disturbing the trees.*

Mr. Kassis said keep in mind the new Zoning requirements for fences, since you installed that one. It must have a 75% of visibility for first responders.

Mr. Perez said currently my fence, when I did it back then, is 6' in the back, 6' forward 25', and then down 4'. That's what it is now. Then it attached to the side of the house, I was told that I could still do that, but there has to be a peg back here at the edge of the house and it could be 6' all the way around.

Mr. Kassis said 75% transparent.

Mr. Kassis asked **Ms. Faltina** has this addressed all your concerns ?

Ms. Faltina said I think so.

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Mr. Kassis said okay. Well thank-you very much for coming tonight. So, for the record, there are only 2 neighbors in the audience.

Mr. Corona said the paver patio, the smaller section is being removed and discarded.

Mr. Perez said yes.

Mr. Corona said the rest of the pavers are going to be re-used

Mr. Perez said in a different way in the yard.

The stair case is inside the pool, so there will be a little like 3' walkway there. I'm hoping it would be grass.

Mr. Corona said I am having a hard time visualizing it because your pool doesn't have the backing area around it.....*described how he interpreted Mr. Perez's comments*

Mr. Perez said no, what I said was a small paver walk would be useless..... on the right side of the patio.....*gave explanation of the configuration of the patio and the pool.*

Mr. Kassis said so you are prepared to say that you are going to reconfigure the existing pavers without increasing Impervious Coverage and surround the pool in the areas that you deem necessary.

Mr. Perez said yes. We are definitely increasing the current coverage that we have now.

Ms. Batistic said just so that I understand, the small section of the paver patio will be removed. That 3' section and that's a reduction on the end of shed. That's a reduction of the Impervious here. The bigger paver patio, you are going to take a piece of it so you can access the pool. Because the pool doesn't show any paver around it. Just a coating.

Mr. Perez said right

Ms. Batistic asked so how are you going to get to the pool ? Through the grass ?

Mr. Perez said.....what I'm doing, I'm making it all level grass.

Ms. Batistic said so okay.

Mr. Perez said I had a whole lot of stairs inside the pool. There is nothing extruding on the outside of the pool *early bird*. There's more ways to get in from the edges of the pool than one big stair going down.

Ms. Batistic said I'm still confused because I thought you said, some of the time you said that you are going to move the patio. You are going to take all the things.....

Mr. Perez said the patio is too big, so the edge next to the section were removed. We'll take the pavers that were there and make like a platform over the hole there.

Ms. Batistic said Oh okay

Mr. Perez said I don't need a patio as big as I have now.

Ms. Faltina asked about pavers around the pool. **Mr. Perez** said he was not putting pavers around the pool.

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Mr. Kassis asked any other questions from the neighbors ?

Keep in mind that the pool does not interfere with Impervious Coverage. If it was to rain, even if it was to even rain heavy, the pool would fill up with water, it has the rules for regarding Impervious Coverage.

Any other question for the applicant ?

Could we have a motion to either approve the application as submitted or deny it.

Mr. McCord made the motion to approve.

Mr. Kassis said we have a motion to approve, do we have a second, please.

Mr. Cleary seconded.

Ms. Bauer took a roll call.

Mr. Kassis, Ms. Batistic , Mr. Cleary, Mr. McCord, Ms. Westerfeld, Mr. Corona,
All voted ‘yes’

Mr. Kassis said Okay, your application has been approved. It will be memorialized at next months’ meeting. And there after you will be able to pick up permits at the Building Dept.

Mr. Kassis said the next item on the agenda is the Memorialization.

Memorialization

1390 Jason Bender 85 Grant Ave B 18 L 3

Description	Required	Existing	Proposed	Variance
Fence (front facing)	4 ft 75% open		6 ft 100% solid	

The applicant was denied approval to replace his existing fence.

Please see next page

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Memorialization

1387 Teri Augustine 74 Hillside Ave B 85 L 52

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	31.5'	31.5'	
Side Yard Abutting/Lot	15'	10.7', 11.0'	10.7', 11.0'	4.3'
Other Side Yard	20'	11.0'	11.0'	9.0'
Combined Side Yards	35'	21.7'	21.7'	13.3'
Min. Rear Yard	30'	70'	70'	
FAR	37.02%	29.98%	29.98%	
Height of Building	28'	25'	25'	
Lot Frontage	100'	60'	60'	enc
Lot Depth	100'	150'	150'	
Bldg. Coverage %	20%	18.52%	18.52%	
Impervious Coverage variable	33.9%	32.5%	32.5%	
LotArea	10,000Sq.ft	9000 Sq.ft	9000 Sq.ft	enc

The applicant was granted approval for the conversion of a screened in porch into an interior room. Subject to the condition, that all other outstanding issues and fines, in regard to the above property, are resolved

Ms Batistic motioned to adjourn the meeting.

Meeting was adjourned at 8:12 pm.