

**Present in Person:** Mr. Kassis, Mr. Cleary, Mr McCord, Mr. Corona, Ms. Westerfeld  
 Mr. Van Horne Esq.(Board Attorney), Ms. Bauer (recording secretary), Janet Wehle (prospective member)

**Absent :**

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

**Ms. Bauer** did the roll-call

The Oct. 27, 2022 minutes were approved by Mr. McCord and seconded by Mr. Cleary.

**Mr. Kassis** asked is there anyone here for 101 Hillside Ave. Because the hearing has been moved, at the request of the applicant, to next month.

**1396 Ridgetop Trust                      47 Delmar Ave                      B 158 L 55**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	25.3'	21.05'	3.95
Side Yard Abutting/Lot	15'	5.8'	5.8	9.2 ENC
Other Side Yard	20'		7.7'	12.3' ENC
Combined Side Yards	35'	13.5'	13.5'	21.5' ENC
Min. Rear Yard	30'	32.4'	29.06'	.94'
FAR	36.66%	22.22%	31.34%	
Height of Building	28'	15.6'	27.11'	
Lot Frontage	100'	62.5'	62.5'	ENC
Lot Depth	100'	100'	100'	
Bldg. Coverage %	20%	26.82%	29.31%	9.31%
Impervious Coverage variable	33.7%	34.97%	39.6%	5.9%
LotArea	10,000 sf	6250 sf	6250 sf	ENC

The application was carried from the Oct. 27, 2022 ZBOA meeting.  
 A representative of Ridgetop Trust was before the ZBOA for approval to construct an addition.

**John Carthy Jr**, said: Good Evening, .....on behalf of the applicant. As a matter of house-keeping, the Agenda says the trust which is the property's own them. I represent Dan Murtagh and *David Jacob* on the application, through the contract purposes .

**Mr. Carthy** introduced the architect, *Joseph Bruno*.

**Joseph Bruno**, Architect, was sworn in, and gave his qualifications.

**Mr. Carthy Jr** said Mr. Bruno is an expert in architecture.

**Mr. Carthy** asked Mr. Bruno, you prepared the architectural plans for this application ?

1396 Ridgetop Trust      47 Delmar Ave cont.

**Mr. Bruno** said I did.

**Mr. Carthy** asked and what's the date on this plan ?

**Mr. Bruno** said the original date of this plan was Sept. 11, 2022.

**Mr. Kassis** said for the record, the plan on the stand is the exact copy as the one provided to us?

**Mr. Bruno** said yes.

**Mr. Carthy** said before we hear from Ridgetop, please review your plan.....

**Mr. Bruno** said sure. The house at present is a ranch style home, which is in pretty much advanced state of disrepair. *Referred to the Zoning Board application Exhibit E for a description of repairs and replacements.* Photograph #1, .....shows the landscaping overgrown..... and the house is in pretty much.....rough shape . Photograph #2 is the rear, or north elevation,..... the landscaping is over grown.....Photographs 3 to 12 are photos of various houses in the neighborhood on Delmar, taken on Sept. 24 of this year. There are houses that are the original ranches, others have had some face lifts, others have had...full additions, others have had partial full additions.....in context of the neighborhood.....at the end of the presentation, I will be able to demonstrate that what we are proposing is consistent with the way the neighborhood has developed over time'

**(Mr. Carthy, very distorted)** said would you please walk the Board *thru what was imposed by layering, construction, additions , ....variances.....I want to make sure that you touch on the pre-existing non-conforming variances and the ones that result from the proposed addition.....*

**Mr. Bruno** said..... the house at present is a one story structure. You walk in...*described the room layout of the present house.* The finished first floor is below the base flood elevation. So part of this project is to elevate the home to get the first floor at least 2' above the base flood elevation which is the standard at the present time.

**(Mr. Carthy, very distorted)** said I want to be more specific.....I don't want to create the impression that *it's a Jersey shore global mess, which it is not.*

**Mr. Bruno** said I'll go thru the elevation in a moment. I just want to touch on this floor plan. The basis of why we are here is strictly to elevating the home. Meaning by elevating the home, we need to add stairs to the front and to the back. As well as a minor addition to the front of the garage, because we have to add stairs between the garage and the house. Now, to Mr. Carthy's point, we are not looking at a wholesale elevation of the house. We are not going to have a full 8' by 12' stairs going from the grade to the first floor. Right now, the average grade at the front of the building is elevation 41.26. The existing finished first floor of the house is 42.7, approximately. So the existing house is, you know, for all intents and purposes, about 18 or 19 inches above the finished grade. We are proposing to go from 42.7 to 44.2. So it's elevating it less than 2'. Again, *the purpose of this project is to get the house above the flood elevation.* So the proposal, going back to the floor plan, and then I'll walk you thru the whole project. The entrance foyer, we would have a private dining room, kitchen with a family room in the back, 2 bedrooms and a bath on the first floor. In the back, where the laundry room is now, we will

1396 Ridgetop Trust      47 Delmar Ave cont.

have a laundry room, and powder room, with a one car garage. At the front entry, since we are adding stairs, we are proposing a covered platform. Not only to provide protection from the weather for people coming up thru the front door, but also to provide an aesthetic benefit to the home. Then in the back we would have stairs down to a patio. At present, as you saw in photo #2, there is no patio. If anybody wants to have a table and chairs, they would be putting them in grass, which is..... not as good . It's a way to have family ties in the suburbs. Back to the floor plan. His proposed would be 2 bedrooms and a shared bath. One problem. From the aesthetic stand point. We would be raising the roof from the 2<sup>nd</sup> floor. We would have stones in here, at the base of the front, .....and shingled roofing, so we would be- the goal of this project is to modernize the home and also have a better living environment. Not only for the occupants but also to greatly improve the streetscape. I'll put up the colored rendering of the house to give you a sense of, we're not, even if we are seeking variances, we're not creating a massive structure that is out of keeping with the scale of the homes in the neighborhood. I will *explain* those variances now. The only footprint extension, again, is...,the front covering of the stairs, the back stairs will not be covered, the front extension for the garage. Now I'll take you through the variances The minimum lot area required to be covered in this zone (R10 zone) is 10,000 sq.ft. The project property is 6250 sq.ft. So, we are deficient in lot area. That is something that we cannot do anything about. There is no available land surrounding the property, adjacent to it, that that the applicant can purchase. Required Frontage is 100' , we are at 62.5'. Minimum Front Yard set-back is 25'. We are existing 25.3..... That will not change . The variance request at 21.05 is from the front yard line to the front case of the stairs will not change. The rear yard is very steep. We are 29.06, that we are proposing, and that could be the face of the new stair landing. But, the ....wall will not change. That's at 32.4' and that would not comply. Minimum side yard is 15'. On the west side we are 7.7' , that's not changing. On the east side we are at 5.8', that's not changing .....We are elevating the house, and in order to do that, we enlarged it, and we demolished, and we rebuilt.....The total combined Side-yard, 35' is required, we are at 13.5'. We are not changing that, we will still be 13.5'. Last is Building Coverage. Permitted its 20%. At present we are at 26.82%. We are proposing 29.31%. Again, the expansion, the porch.... in the front, the side wall and stair in the back, as well as the garage expansion in the front is strictly related to elevating the house. Then we have Impervious Coverage, which is building and pavement combined, with a *required* of 33.7%, that's .....to the size of the lot. We are at 34.97%, and proposing 39.6%. Again, the over-reach increase is attributable to the stair platform front and rear, as well as the patio in the rear. It's again, the total...number 2, there is no patio and could not have a patio on a .....home it does not make any sense. As I mentioned before, anyone living here, if there was a patio, and it had furniture on the lawn, and that was turned into dirt, and that would be a worst condition than having no *variance* on Impervious Coverage. We had originally set out to retain the floor and wall structure, and elevate. On further analysis of the structure, we be far better off with window and the frame structure on top of the existing foundation, but the existing foundation, on top of that,

**1396 Ridgetop Trust      47 Delmar Ave cont.**

would add additional masonry to allow us to elevate the floor above the Base line elevation. And with that, I hope to end, to bring in more questions that the Board members may have.

**Mr. Kassis** said in regard to discussion on demolishing, could you show us on the drawing what walls are going to be demolished, or are all the walls going to be demolished ?

**Mr. Bruno** said while we had discussed further upon study on the house, we would take down the frame from the retaining walls, and come off of the existing foundation anew so that all that is standing is new. Strictly conforming with the modern building codes of which we are subject to. If we were to retain the *existing* structure, and build off of it, we would be permitting under the New Jersey Relocation sub-code to not have to make the entire structure code compliant. We don't want to do that. We want to make sure that we have a 100% compliant code structure. So, at the end of the day, whether we use the existing frame or we replace the frame in place, from a Zoning perspective, there is no difference. The set-backs is still the same, the coverages is still the same, etc. Now, it is not for us..

**Mr. Carthy** said we'll go after that point after. What we are asking for are variances for Building and Impervious Coverages. Where are your ratios ? We are permitted.....percent . At present we are 22.2. Two percent and we are .....12%. We are almost 5% above what we are permitted to be. Which is important to know for a number of reasons. One, we have a lot which is sub-standard in terms of size. So it is very unusual, especially with Floor Area Ratio to have that an issue. So that's a good thing . And I hope though, the house then has a much smaller scale, then the Zoning Board anticipates with this zone. And as you can see from the elevation as well as the .....the *color brandy grain we have*, we are now proposing anything that is imbedded as to scale and in character with the home. And I would reckon that you should be photographed when I present the news to .....to make that comparison.

**Mr. Kassis** said to be clear, at some point in time, when we drive past this property there should be no structure on it.

**Mr. Bruno** said there will be no wood structure. Foundation will still be there, and then once the wood structure comes off, the old structure comes off, and the new structure is going right back on at top.

**Mr. Carthy** asked is it 2 rows of block where it has been ?

**Mr. Bruno** said it will probably be two and 2 quarters of blocks. We may have to make it a .....but that will be done in the detailing.

One thing I would like to point out to the board. Is that, should the project be approved, a licensed..... engineer will be engaged to design the .....Storm Water Chain .....what that will do to manage the run-off problem from the roof.....and to manage storm water on the ground , so that there is no flooding effect from the roof to keep the subject lot from the surrounding properties. No such structure exists. So, drainage on site will be managed, and will be in better condition than exists at this time.

**Mr. Carthy** said there is effectively no additional roof area.....and in addition we will be adding the seepage pit to reduce run-off to other properties.

**Mr. Bruno** said there will be a little bit of roof area will be enlarged at the front.....but all rain will be managed ....

1396 Ridgetop Trust      47 Delmar Ave cont.

**Mr. Carthy** said and there is nothing there now to help.

**Mr. Bruno** said correct.

**Mr. Kassis** said so the garage structure on the east side of the property, which is extremely close to the property line, those are the cards that you were dealt with on your particular property. The purpose of the extension of the garage was to achieve what ?

**Mr. Bruno** said to compensate for the addition of the steps in the rear of the garage to get into the house required by elevating the floor of the house, and to give them more defense. Even at that the garage from the front wall to where the stairs start is *about 20'*. And typically, with the size of the modern vehicle, if I were designing a new garage, we would, at minimum, be 22, 23, even 24 feet in depth. I thought, in the design process, that that was a nice balance, even though it was not in the size that I would generally prefer to design the depth of the garage. 21', this is not a solid wall it's the bottom step. So that to me was an acceptable compromise what I was designing.

**Mr. Kassis** asked so is there a way of elevating the garage for a structure so that there would be less that need for expansion ?

**Mr. Bruno** said You'd end up with a slopped driveway which would be more.....Right now, the expansion is proposed in the front of the garage in the area where the *pristine* paved driveway is. So if we were to remove the garage, here. We'd reduce the flow and coverage slightly, but it wouldn't affect the impervious coverage because we are just trading one for the other. Since right now, this proposed large expansion would be where there's pavement now.

**Mr. Kassis** said right.

**Mr. Bruno** said so the Impervious Coverage wouldn't change.

**Mr. Kassis** said so leading back to my question, if you changed the level of the garage and increased it, so the car would be less of a *flood* risk, and you are not changing the Impervious Coverage, why couldn't you increase the height of the garage and have a slight ramp going into the driveway into the garage ?

**Mr. Carthy** said .....

**Mr. Bruno** said I'm just looking here to see what the slop of the driveway would become.

**Mr. Kassis** said you have how many steps in the garage ?

**Mr. Bruno** said there are 4 rises

**Mr. Kassis** said so 8" per rise. If you eliminate 2 rises that would be 16". Would 16" up a ramp in the driveway create a design difficulty ?

**Mr. Bruno** said no. As finished, no. It would just create more territory advancement. There is more cut and fill. May have to build an .....May have to build a slight retaining wall on the right hand side here .

**Mr. Kassis** said my concern, why I bring this up, is the proximity to the side yard and further extending that wall to that area which is currently open space. If we bring that garage forward, we are now reducing open space in front of the garage and we are increasing the building line by 3'. That is the extension of the garage ?

**Mr. Bruno** said 4'.

1396 Ridgetop Trust      47 Delmar Ave cont.

**Mr. Kassis** said 4'. The diction if you make with us at page over to the garage. I am just commenting on what was provided. The car it seems like there is quite a bit of room in there.

**Mr. Bruno** said the car is a printed, you could have a much larger car than what is shown

**Mr. Kassis** said you drew it.

**Mr. Bruno** said I am not going to dictate what car should be there.

**Mr. Kassis** said alright we'll see whether there is any concerns from the neighbors on that. I'm not sure I would want to see that air and light, the effect is on that side of the property, considering how close that is to the property line. So we will leave that for the comments at this point.

**Mr. Kassis** asked are there any questions or comments from the Board on this application?

**Ms. Westerfeld** asked did you consider knocking the whole thing down and building it within the code ?

**Mr. Bruno** said..... the answer to the question. If we win, the house would be way too small. And again, the house footprint for the most part, as it exists and going back to this, is that the mapping of the house is such, that it is not obtrusive to the neighborhood. We would have to do a full 2<sup>nd</sup> floor addition, which would make the house appear larger. But again it would only be much too small, and it wouldn't fit right in the neighborhood , contextually.

**Mr. Carthy** said we are only here before the court because we are trying to make the house more compliant because of the flood issue, correct ?

**Mr. Bruno** said that is correct, and to make it a house that is compatible with the neighborhood.

**Mr. Carthy** said so the house could be both compatible with the neighborhood without being ..... Does that make sense at all ?

**Mr. Bruno** said no,..... its adding a benefit to the neighborhood by doing that also as well.....

**Mr. Carthy** said correct.

**Mr. Bruno** said we comply with the height .....and again, the house as I presented to you fits within the context of the neighborhood . We are not asking to build a house that is out of scale and character with the houses around it.

**Mr. Carthy** said I hate using the term 'McMansion'.

**Mr. Bruno** said its not that. And also, by having the center portion at 2 stories, and the left and the right at one story makes for a house that's .....the size scale and character of the neighborhood, and proposed the 2<sup>nd</sup> floor expansion complies with the zoning ordinance..... So by having the center portion 2 stories, and the left and right at one story, the house doesn't seem nearly as massive as if it was a model of a block of two stories.

**Mr. Kassis** asked is there something that can be done with the roof design, so that the east side which is only 5.8' from the property line. Is there any way that could be designed differently so that air and light is not affected. Make it a Hip roof , or something. Instead of having a gable roof that extends up that height.

**Mr. Bruno** said we could make that a Hip roof.

1396 Ridgetop Trust                      47 Delmar Ave cont.

**Mr. Kassis** said that would minimize the impact on the side yards from roughly 10' off the ground.

**Mr. Bruno** said right.

**Mr. Kassis** said we would again ask permission from the neighbors to see if there are any objections or concerns....

**Mr. Bruno** said.....

**Mr. Kassis** said overall the size of this application, which clearly shows that you are not here for an FAR within the confines.....that the house is done already and you are so tight in the side-yards.

**Mr. Bruno** said and also.....as far as the garage is concerned.....is important that we are not proposing a detached accessory structure with shed. So the space in the front allows some room in the back for a lawn mower, some rakes and a shovel.

**Mr. Kassis** asked any other questions ?

**Mr. Corona** said looking at the height. So you are going to raise it by 2', will you still be within compliance?

**Mr. Bruno** said in compliance yes

**Mr. Corona** said 8' or 9' ceilings on the 1<sup>st</sup> floor ?

**Mr. Bruno** said 8' and 8'. 8' on the 1<sup>st</sup> and 8' on the 2<sup>nd</sup>. Its again, a matter of keeping the scale of the house status. If you go from 8' to 9' it makes a significant difference, especially in a house of this size. So that's why we are keeping.....

**Mr. Bruno** asked Mr. Carthy, can you talk to your client if he is amenable to amending the application ? With regard to that roof over the garage ?

**Mr. Carthy** said I will disconnect for a moment so that the architect can speak to my client about that.

*Mr. Bruno spoke to the client (representing Ridgetop Trust)*

**Mr. Kassis** said if I may add before you answer, it does not have to be a complete Hip, maybe a partial Hip, some cut. The roof that is on the house right now, appears to be a Hip roof on both sides. So does minimize the air and light obstruction for the neighborhood. So after speaking with your client, what would your intent be ?

**Mr. Carthy** said that would be acceptable, Mr. Chairman.

**Mr. Bruno** said we can start with a Hip and then we can transition to a Gable.

**Mr. Carthy** said right, that's something that will get that side in a little bit.

**Mr. Kassis** asked any other questions for the applicant ?

None heard.

Is there anyone here in the audience to speak on this application for or against it.

Let the record show that no one was here for this application.

Alright, unless there is any other question for the applicant.....is there a motion to approve this application with the modification ?

**Mr. Cleary** made the motion.

**Mr. McCord** seconded.

The motion was approved unanimously.

**1396 Ridgetop Trust 47 Delmar Ave cont.**

**Mr. Kassis** said you know the drill. Next month, the attorney will reach out to you on that. Are there are any questions ?

**Mr. Bruno** asked Mr. Chairman when is the next meeting ?

**Mr. Kassis** said let the attorney will reach out to you on that.

**Mr. Kassis** said the next application is # 1397 2 Palisades Court.

**Application**

**1397 Scott Bahng 2 Palisades Court B 92.07 L 46**

<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Front Yard Set Back	25'	25.6		
<b>Side Yard Abutting/Lot</b>	<b>15'</b>	<b>14.2'</b>		<b>0.8' ENC</b>
<b>Other Side Yard</b>	<b>20'</b>	<b>19.5'</b>		<b>0.5' ENC</b>
<b>Combined Side Yards</b>	<b>35'</b>	<b>33.7'</b>		<b>1.8' ENC</b>
<b>Min. Rear Yard</b>	<b>30'</b>	<b>32.4</b>	<b>24'</b>	<b>6'</b>
<b>FAR</b>				
Height of Building	28'	27.67'		
Lot Frontage	100'	105.7'		
Lot Depth	100'	104.4'		
<b>Bldg. Coverage %</b>	<b>20%</b>	<b>17.09%</b>	<b>20.16%</b>	<b>0.16%</b>
<b>Impervious Coverage variable</b>				
LotArea	10,000sf	10,166sf		

**Mr. Bahng has constructed a deck and is seeking the above variance. This application was carried from the Oct. 27, 2022 ZBOA meeting.**

**Mr. Kassis** said if you are here for this application please step forward.

**Mr. Scott Bahng** introduced himself. Scott Bahng , 2 Palisades Court, Cresskill NJ.

**Mr. Van Horne** said Mr. Bahng, you are still under oath, and tell us what your application is about.

**Mr. Bahng** said myself and my wife (who is not here) we've been living in Cresskill since 2005. We've raised 2 kids, kindergarten thru high school. My son graduated from high school 4



1397 Scott Bahng      2 Palisades Court cont.

years ago, my .....is done this last September, so I wanted to work on the house, not me personally personally .....I want to show you. This was the existing. You have the pictures I submitted ?

**Mr. Van Horne** said lets mark that A-1 for verification purposes.

**Mr. Bahng** said (described the photo) This is our back-yard, brick paving and concrete that's been there since we bought the house, and things that are growing on it, so I want to do something with it so I researched and found a company who- this is the company that I hired, they're supposed to be

**Mr. Van Horne** asked is there a name on there ?

**Mr. Bahng** said 'On the Spot Home Improvements' in New Jersey. My house lives on Facebook as they were working on it. This is my house, the pictures, and they have all kinds of equipments with their name on it. There are three different projects they are managers, coming in my house, I completely trusted them. They were supposed to handle everything, they charged me for the permit, and it turned out, I found out in June, when I got a call, saying that application was forbidden but nothing else was told. That's what I found out this last June, and this is what they submitted. Partial name and address, and my email is incorrect, so even if the Building department mailed me I wouldn't know about it. So, I contacted them and Miss Hayley mailed me with the Zoning application and I also attached that, the actual emails I exchanged with Miss Hayley and also with Jeff Serfaty, he's the senior project manager very nice, .....he's handling it: we'll get to it, we are working on it. I was contacted in June and then by July I am not hearing anything from them, so I am sending email: so we are working on it, don't worry about it, and come over, nothing is happening. I actually have a Voice Mail and I saved that email. I would like to play for you if you want to hear it

**Mr. Kassis** said I'd rather not, we don't know who we are listening to whether that's valid..

**Mr. Bahng** said so I come to the Building Department, and met Mr. Bob Rusch. He told me that this is all he got and I understand its orders.....He gave me the form and told me to fill this out, so that's why I am.....so this is what I like to show you, which you have. The existing concrete pavement that I had, that existed in the house. When I bought the house back in 2005, its recorded a new paved patio. This is the way I bought the house, with the patio in the back-yard, and all they did is to build a deck right over the existing structure. Its 12 by 26. And they built it on the *eleventh of November*, and I paid them. In July, I found out the permit was not granted. So I am doing all this work under order. And this is why I'm here and hopefully You can see the .....that he built. I printed 14 copies just in case you might need it.

**Mr. Kassis** said we don't have that photo.

**Mr. Van Horne** said mark that A-2.

*Mr. Kassis and Mr. Van Horne reviewed the photos.*

**Mr. Kassis** said lets talk about this photo that was marked into evidence A-2 which shows the current deck which is off the ground by approximately 5' or so, that's correct ?

**Mr. Bahng** said yes, correct..

**Mr. Kassis** said does it accurately represent what exists there today ?

**1397 Scott Bahng 2 Palisades Court cont.**

**Mr. Bahng** said I took that from one corner

**Mr. Kassis** said and you took these photographs ?

**Mr. Bahng** said yes I did, I don't want to mislead you.....I went to the other side, to the other angle

**Mr. Kassis** said this is the other photo you are talking about, which we will label A-3

**Mr. Bahng** said because the lot is square, only my house is.....diagonally

**Mr. Kassis** said we can see that on the survey that you provided to us in our package. So it appears that the deck was placed over the existing patio. That there is a slight radius on the patio which was then squared off by the deck.

**Mr. Bahng** said right. One corner is slightly- because the deck is rectangular, that's why one corner kinda sticks out but I wanted to make sure that I don't give anything ..... that you have.....right ?.....

**Mr. Kassis** said is there anything that wasn't given us in the package that you'd like us to be aware of that's germane to this application ?

**Mr. Bahng** said yes. My wife and I lived in Ridgefield for 21 years. I have a small IT management business for more than 20 years. We work hard to raise our kids and if it was a permit, Miss Anna (*Langan?*) showed me also. Because I actually wanted to know if there was a permit already existing in..... 2005. There were no records, maybe its too old.....I want to assure you that I got a permit to do the driveway, the water heater, essential air.....

**Mr. Kassis** said keep it germane to

**Mr. Bahng** said yes. They told me that I need to get a permit.....this company did not say anything to me. They said we are handling it, everything

**Mr. Kassis** said okay, alright

**Mr. Bahng** said so, I just wanted you show you the permits that I gotten over the years.

*Mr. Kassis discussed with Mr. Bahng the relevancy of his previous permits.*

**Mr. Kassis** asked are there any questions for the applicant at this point ?

**Ms. Westerfeld** said I'm a little confused. The staircase that's in the original pictures is too depth. Is that to the patio that we are talking about, or is that some place else ?

**Mr. Bahng** said existing patio. We have from the kitchen there is a door that goes out to the back-yard and also from the family room. There are two stairs. They are gone now and we have our deck with one stairs.

**Ms. Westerfeld** asked is this where the deck is now ?

**Mr. Bahng** said yes this is one of the stairs.

**Ms. Westerfeld** said and you raised all the soil here . That's what happened ?

**Mr. Bahng** said no, they got rid of the .....so that's all gone and they built the deck right on top of the.....

**Ms. Westerfeld** said OK patio is gone.

**Mr. Bahng** said this is what they did.....(*described the construction*).....

**Mr. Kassis** asked are there any other questions for the applicant .

**Mr. Kassis** asked is there anyone here in the audience for or against this application and would like to be heard ? For the record, there is no one here. Also, Mr. Cleary has recused himself.

**1397 Scott Bahng                    2 Palisades Court cont.**

**Mr. Kassis** said unfortunate situation. But we will see if we can resolve that tonight. Could we have a motion to approve or deny this application.

**Mr. Corona** made a motion to approve.

**Mr. McCord** seconded.

The motion was approved unanimously.

**Mr. Kassis** said your application has been approved for the adjustment to the Zoning of your deck. At the next meeting you will be able to pick a permit and finalize that with the town. And whatever fees need to be paid, will have to be paid at that point.

**Mr. Bahng** said thank-you so much.

**Mr. Kassis** said have a great holiday and enjoy yourself.

*Mr. Bahng asked if he will get the permit at the next meeting. Mr. Kassis said that he can get it right away.*

**Mr. Bahng** said thank-you so much.

**Mr. Kassis** said you are welcome.

**Mr. Kassis** said the next application we have tonight is # 1398.

**1398 William & Vanessa Franceschini 395 Highland St                    B 104 L 40**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	28.5'	28.5'	
<b>Side Yard Abutting/Lot</b>	<b>15'</b>	<b>13.3'</b>	<b>13.3'</b>	<b>1.7' ENC</b>
<b>Other Side Yard</b>	<b>20'</b>	<b>13.4'</b>	<b>13.4'</b>	<b>6.6' ENC</b>
<b>Combined Side Yards</b>	<b>35'</b>	<b>26.7'</b>	<b>26.7'</b>	<b>8.3' ENC</b>
Min. Rear Yard	30'		35'	
<b>FAR</b>				
Height of Building				
<b>Lot Frontage</b>	<b>100'</b>	<b>80'</b>	<b>80'</b>	<b>ENC</b>
Lot Depth	100'	104'	104'	
<b>Bldg. Coverage %</b>	<b>20%</b>	<b>24%</b>	<b>24%</b>	<b>4' ENC</b>
<b>Impervious Coverage variable</b>	<b>31.9%</b>		<b>34.4%</b>	<b>2.5' ENC</b>
<b>LotArea</b>	<b>10,000 sf</b>	<b>8320 sf</b>	<b>8320 sf</b>	<b>ENC</b>

**MrFranceschini** wants to reconstruct a patio and a retaining wall.

**1398 William & Vanessa Franceschini 395 Highland St cont.**

**Mr. Kassis** asked is anyone here for 395 Highland St ?

*A member in the audience answered 'Yes'.*

**Mr. Kassis** said okay, please step forward. Mr. ?

The audience member said '**Franceschini**'

**Mr. Van Horne** asked you are here to testify tonight.

**Mr. Franceschini** said yes.

**Mr. Franceschini** was sworn in.

**Mr. Van Horne** said you can stand or sit whatever you are comfortable with.

**Mr. Franceschini** said I'm fine. Hopefully this is very cut and dry. I had a concrete patio in the back yard, since I bought the house which is 19 years, just replacing the pavers. And apparently, the- I'm just a little over- only Impervious coverage- but from what Mr. Rusch told me, it was existing non-conforming.

**Mr. Van Horne** said but you are enlarging it.

**Mr. Franceschini** said no, I'm just straight replacing it.

**Mr. Van Horne** said OK, so then the existing is 34.4 as well ?

**Mr. Franceschini** said Mr Rusch was the one who made all the calculations for me.

**Mr. Kassis** said alright, so you provided the site plan showing a red area. Is that accurately depicting what's going *to be built there* ?

**Mr. Franceschini** said yes

**Mr. Kassis** said according to this drawing you have 35' to the back-yard.

**Mr. Franceschini** said to the back-yard.

**Mr. Kassis** said and the .....to the patio from the house to the back ?

*Mr. Franceschini indicated he did not know.*

**Mr. Kassis** said you're not within the 30'

**Mr. Franceschini** said right, not at all.

**Mr. Kassis** asked is there any question for the applicant ?

**Mr. Kassis** said none there. Let the record show that no one is here for this application.

**Mr. Kassis** said we need a motion to either approve or deny this application.

**Mr. Cleary** made a motion to approve.

**Mr. McCord** seconded.

The motion was approved unanimously

**Mr. Kassis** said so if you counted correctly, your application has been approved, and at the next Zoning meeting will be memorialized, and you will be able to pick up the permit for this project.

**Mr. Franceschini** said thank-you very much, I appreciate it.

**Mr. Kassis** said the next application for tonight is: **1399 93 Cedar St.**

Step forward please.

1399 Avigail & Nimrod & Cohen 93 Cedar St B 54.01 L 84

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	27.4'	27.4'	
Side Yard Abutting/Lot	15'	11'	11	4' ENC.
Other Side Yard	20'	15.6	15.6	4.4' Enc
Combined Side Yards	35'	26.6'	26.6'	8.4' ENC
Min. Rear Yard	30'	36.4'	36.4	
<b>FAR</b>				
Height of Building	28'			
Lot Frontage	100'	70'	70'	30' ENC
Lot Depth	100'	125'	125'	
Bldg. Coverage %	20%	24.1%	24.1%	4.1% ENC
Impervious Coverage variable	32.9%	34.4%	38.4%	5.5%
LotArea	10,000 sf	8750 sf	8750 sf	ENC

**Mr. & Mrs Cohen want to construct a patio**

**Mr. Kassis recused himself. Mr. McCord took his place**

**Mr. Van Horne** asked who is going to testify.

**Mr. Cohen** said I will.

**Mr. Cohen** was sworn in.

**Mr. Van Horne** said you can stand or sit, and please tell us about the application.

**Mr. Cohen** said my wife and I, we purchased the house on 93 Cedar St. We would like to build a patio. Right now there is nothing there. The back-yard is full of trees and trim, there is not much room for a deck. We would like *another* area.

**Mr. McCord** said and what variances do you need ?

**Mr. Cohen** said Impervious Coverage.

**Mr. McCord** asked how does the property drain now ? Have you resided there at all to be able to observe?

**Mr. Cohen** said no, not yet.

**Mr. McCord** asked what do you intend to use as your patio ? Like concrete, what are you using.

**Mr. Cohen** said paver.

**Mr. McCord** said I believe that they actually make pavers that are pervious.

**1399 Avigail & Nimrod &Cohen 93 Cedar St B 54.01 L 84 cont.**

**Mr. McCord** said so actually, potentially you may not even need a variance, depending on what you use.

**Mr. Cohen** said.....I also heard from *China*. Referred to his wife to answer.

*Mrs. Cohen began to describe the pavers*

**Mr. Van Horne** said that to testify she must be sworn in.

**Mrs. Cohen** was sworn in.

**Mrs Cohen** said I didn't know about these pavers that you can use. We don't have any.....in the back.

**Mr. McCord** said its conceivable that you might not like them, nor how they look, so you might as well proceed with the application now because you've already gone through all of the notification process and so forth.

**Mr. McCord** asked does anyone have any other questions ?

**Mr. Cleary** asked you said the back yard is slopped. Which way is it slopped. Is it slopped away from the house or towards the house.

**Mr. Cohen** said towards the house.

**Mr. Cleary** asked is there grass in the back yard ?

*Mrs Cohen described back yard as unkempt*

**Mr. Corona** asked are you connecting parts with the same shape and size of what is there now, when you replace them ?

**Mr. Cohen** said there is nothing there now.

**Mr. Corona** asked you have a proposed wall. What is the proposed wall ?

**Mrs. Cohen** said we have a small area with a small slope, so we are doing a retaining wall over the small area.....

**Mr. Cleary** asked what are you doing for water ? To avoid flooding ?

**Mrs. Cohen** said *the engineer .....to consult him if we have any problems*

**Mr. McCord** asked did you have an engineer that designed this proposed deck ?

**Mrs. Cohen** said yes

**Mr. Cohen** said *Brian Kearns & Bissotti*

**Ms. Westerfeld** asked if you made the patio a little smaller would you be able to not need the Impervious Coverage bearable ?

**Mrs. Cohen** said.....have this style because we are people that stay a lot outside and we also want to have a table with a couch. We live a lot outside. We love to be outside.....

**Mr. Corona** said just so I understand this proposed patio. Is it 14.4 by 24.7 on the site plan here ?

**Mr. Cohen** said yes

**Mr. Corona** said and you are staying between those 2 pink lines there.

**Mr. Cohen** said yes

**Mr. Corona** asked what happens to the right of it ? To the north of it ?

**Mr. Cohen** said grass.

**1399 Avigail & Nimrod &Cohen 93 Cedar St B 54.01 L 84 cont.**

**Mr. Corona** said grass. And then you have a proposed wall, that you were just speaking about, that will be grass as well. All *I'm really doing is the reverse and that is outside of the step.*

**Mr. and Mrs. Cohen** said yes.

**Mr. Kassis** asked are there any other questions from people on the Board ?

**Mr. Corona** said otherwise it gets carried over to the audience.

**Mr. McCord** said I guess we'll do a roll call. Is there a motion ?

Motion to approve by **Mr. Cleary**.

**Mr. McCord** seconded.

The motion was approved unanimously

**Mr. McCord** said be back in a month. You'll get your permit. Its Jan. 26, unless something happens.

**Mr. Kassis** said there are no memorializations, nor other business before the Board.

Motion to adjourn . Thank-you all .