

**Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 PM
Minutes May, 25, 2023**

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

Absent : Mr McCord, Mr. Cleary,

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

Mr. Kassis said according to the Sunshine Law, the meeting was published in the Press Journal.

Ms. Bauer did the roll-call

The April 27, 2023 minutes were approved by Ms. Westerfeld and seconded by Mr. Corona.

Application 1410

1410 Bergen Dwelling LLC 79 6th Street Block 61 Lots 1077 & 1078

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	16.1'	16.1'	8.9'
Side Yard Abutting/Lot	15'	9.8'	9.8'	5.2'
Other Side Yard	20'	9.7'	9.7'	10.3'
Combined Side Yards	35'	19.5'	19.5'	15.5'
Min. Rear Yard	30'	54.3'	52.3'	
FAR	39%	15.8%	33.16%	
Height of Building	28'	22'	28'	
Lot Frontage	100'	50'	50'	ENC
Lot Depth	100'	100'	100	
Bldg. Coverage %	20%	19.5%	21.08%	1.08%
Impervious Coverage Within 125' lot line	35%	46.4%	46.64%	11.64%
Lot Area	10,000 sf	5,000 sf	5000 sf	ENC

Bergen Dwelling LLC has applied to the ZBOA to construct a 2nd floor addition.

Mr .Matthew Capizzi Esq, represented the applicant.

A confusion over the address of the application was rectified.

Mr. Capizzi Esq. described the property. The house is one story in height. The lot is 5000 square feet in area, where 10,000 square feet is required. It is 50' in width, where 100' is required. As a result of the under-sized nature of the lot,.....*both the set-back and Impervious Coverage are non-conforming.* What we are proposing by way of this application is essentially to add a level directly on top of the existing one story portion of the

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house .There will be a slight projection at the front and the back.....one foot in the front and two feet in the back, at the second floor portion of the expansion. Essentially that is the summary of the applicationwe are putting an addition directly on top of the *first* floor. We are seeking a continuation of set-back and variances as well as a slight increase in the Building Coverage. And because the lot is so under-sized, even though we have a small addition to the building by way of the projection to the second floor model, we are going from 20% to 21.08%, a very small rise in additional Building Coverage, and at the second floor *roof*. The Impervious Coverage remains as is and the Set-backs remain as they are in.....so they are not further encroaching .

Mr.Capizzi Esq. introduced the architect Mr. Jacob Solomon.

Mr. Jacob Solomon was sworn in.

Mr. Kassis advised Mr. Solomon to move close to the mike. Move the mike as close as you can to the easel, so we can hear your testimony.

Mr. Solomon gave his credentials (professional degrees and licenses).

Mr. Van Horne Esq. said thank-you, we accept your testimony as that of an expert.

Mr. Solomon testified the lot area is under sized at 5000 sq.ft where 10,000 sq.ft is required. There is hardship in the narrowness of the lot. The current house is a one story cape. One bedroom, kitchen, bathroom, living-room, dining-room.....using interior alterations make it a more open floor plan. Re-paint the kitchen, remove the first floor bedroom and make a large family room. On the second floor, create two baths and 3 bedrooms..... The side-yards are just not conforming, Where 15' is required, one side is 9.8' and the other is 9.7'. and those will be retained. The combined side-yards, where 35' is required, is 19.5'. There is an existing variance required for the front yard and none for the rear yard. The existing one story entry, that is enclosed, that will remain. The existing 16' to the lot border will remain. On the second floor, we will have a small walk down *quay* from the two front bedrooms. There are 3 bedrooms and 2 bathrooms on the second floor. The 2' over-hang partially covers the existing deck

.....recording quality poor due to subject not talking directly into the mike, plus the rattling of paper.

In the back is an existing deck and an existing paved patio, so surface coverage remains similar to what exists now..... *recording quality poor*

The property has a very long driveway with a detached garage at the rear, which is driving up the Impervious number.*paper rattling*

Mr. Solomon described the outside of the house:

Roof -Class A Fiber Glass Shingles, 5"Alum Gutters and Leaders, Vented vinyl soffit. Sides -Anderson Windows with screens, Azek Panels at cantilevered 2nd floor bay, New vinyl siding.

The front of the house has a covered entrance hall which is 16' from the lot line. There is a concrete paved path from the entrance steps to the street curb. In my opinion, the 'add a level' house will fit in with many such houses in Cresskill. It will be a benefit to the neighborhood.

Mr.Capizzi Esq said in my opinion, the 'add a level' house will fit in with many such houses in Cresskill. It will be a benefit to the neighborhood.

Mr.Capizzi Esq and Mr. Solomon discussed neighborhood homes of the same type and size as described in the application.

Mr.Capizzi Esq said thank-you Jake, I have no further questions.

Mr.Kassis said could you please flip back to the side-yard profiles. Is that the completed rendering of the side ? I don't see any windows on the top.

Mr. Solomon said on the right side we have a master bedroom and a shower and bath-tub on that side-yard.

Mr.Kassis said OK

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Mr. Solomon gave explanation of why there was no window in the bathroom.

Mr. Kassis said what about the bedroom on the other side ?

Mr. Solomon said you are correct on the left side we should have two windows.

Mr. Kassis said I think it would look a lot nicer. It would not hold up the application approval, but I think it would be nicer. Maybe one window or something. A high-up window, or something up there. I'm not saying that's required, but as an architect you can tell that it would improve the overall....

Mr. Van Horne Esq. asked two windows on which side of the house ?

Mr. Solomon said the left side.

Mr. Van Horne Esq. said the left side, north, south, east, west ?

Mr. Solomon said south and one window in the Masters.

Mr. Kassis said *I would like windows on both sides. One window on the South side and one on the North side.*

Mr. Van Horne Esq. asked Mr. Capizzi, has the applicant *agreed* to that ?

Mr. Capizzi said yes.

Mr. Kassis asked anybody on the Board that has any questions or concerns regarding this application ?

Mr. Kassis said none heard. Is there anyone in the audience that's either here for, or opposed to the application ?

Mr. Kassis said the records show that no one raised their hand, or stepped forward.

Mr. Kassis said that's the case, we can move forward to a motion, that someone is willing to make. To approve or deny this application, the way its delivered with the modification as *stipulated*.

Ms. Westerfeld made the motion.

Mr. Corona seconded.

Vote was taken. Motion passed.

Mr. Kassis said alright, you know how this works. You'll be memorialized next month, and you will be able to pick up applications..... thru the Building Dept.

Mr. Kassis said the next application is **#1411 Matthew Capizzi 141 12th Street. Block 143 Lot 230.**

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Application

1411 Barbara Schultz 141 12th Street. Block 143 Lot 230

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	28'	28'	
Side Yard Abutting/Lot	15'	15'	12'	3'
Other Side Yard	20'	24.5'	15.5'	4.5'
Combined Side Yards	35'	39.5	27.5	7.5'
Min. Rear Yard	30'	44.4'	38.08'	
FAR	31.62%	20.27%	32.14%	0.52%
Height of Building	28'	22.5'	27.31'	
Lot Frontage	100'	90'	90'	ENC
Lot Depth	100'	100'	100'	
Bldg. Coverage %	20%	16.16%	23.42%	3.42%
Impervious Coverage variable	30.9%	25.7%	36.58%	5.68%
LotArea	10,000 S.F	9,000 S.F	9,000 S.F	ENC

Ms. Barbara Schultz has applied to the ZBOA to construct an addition, shed, Driveway expansion and deck.

The applicant name and address on the May 25, 2023 agenda were in error. The heading on the above Zoning chart reflects the correction.

Mr. Capizzi Esq. represented the applicant.

Mr. Kassis said Okay, you may proceed.

Mr. Capizzi Esq said Thank-you Mr.Chairman. The project is on 141 12th Street. The existing house is a two level house, its actually one story in nature on both sides. The property has been in the Schultz family for many years, and now,, *Gorby* Schultz's son, wants to take over the property for his residency theremake some significant capital improvements to the property. Essentially looking to bring both sides of the house up to a two and a half story home. Which I will discuss momentarily in my testimony. We are going to do a renovation of the entire house. New windows, new roof, and so forth. To really modernize this home.....We have some additions to propose to create this garage*noise from microphones being moved*.....we are hindered by the undersized nature of the lot. We are shy in lot area and lot width. The FAR we are seeking this evening is similarly related to a desire to have a modest sized shed, for storage.....*described storage*.

Mike Hubschman prepared the Civil engineering plans. Ms De Carlo Pantale did the architectural plans.

Mike Hubschman was sworn in.

Mike Hubschman had given his credentials at previous hearings, and was accepted as an expert.

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Mike Hubschman testified at 141 12th Street a 90' width lot, 100' depth. Its a relatively flat lot. There is an existing split level home on the site. The slab level with garages is on the left, and comes through to a break in the front and then the split level goes up and then down. There is a small basement underneath on the right. The proposal is to add these two small additions. Add a one car garage 12' wide, a 331sq.ft addition. That's a one story addition. There is a one story addition that bumps out the kitchen in the back.....*bell from phone ringing.....*

They are also adding a master bedroom over that.....space on the right. Over the kitchen there is an existing three bedroom home, so the proposal would be for a 4 bedroom home. The variances are from a narrow lot, 90' width. It's sort of a hardship. The garages are on the south side of the property, so we obviously want to keep it more or less on that same side. That creates a 12' side-yard, where 15' is required. So that's a variance. The total..... is 12, and the 15.5 is 27.5 side yard. The Building Coverage is slightly over because of thegarage which is 308 sq.ft. over, but that includes the shed . FAR is 47 sq.ft over and that also includes the 120 sq.ft shed, that's what's driving the FAR variance and Impervious Coverage .We are 36 points high, about 500 sq.ft over. We are widening the driveway, .most of that is the driveway, the walk and the two small additions. We are adding for drainage. We are mitigating any additional run-off by adding the one seepage pit in the front.

Mr. Capizzi Esq said so even though the side-yard set-back needs a variance, there is a structure there that is one story in height.

Mike Hubschman said one story in height.....also the fact that the kitchen addition is one story.

Mr. Capizzi Esq said as for the drainage *bergs* in the front yard, could you just give us a rough breakdown of the extent of the storage there ?

Mike Hubschman said its one seepage pit with 250 cubic feet of storage. So that mitigates any additional run-off.

Mr. Capizzi Esq said any concerns that the additional Impervious Coverage causing any drainage.....*insurance problems?*

Mike Hubschman said no, the drainage is towards the front of the lot. And it is flat, there is no severe slop to either side. All leaders are connected so there will not be any roof leader *run-off*.

Mr. Capizzi Esq. asked any triggers involved ?

Mike Hubschman said no trigger involved.

Mr. Capizzi Esq said and again the Impervious Coverage dropped down the one story *balance* to the house. The balance of the driveway and the walk will act so there is no visual impact

Mike Hubschman said right, correct

Mr. Capizzi Esq said thank-you Mike. I do not have any further questions.

Mr. Kassis said could you, on both the right side and the left side give us the dimensions from the drawing, the new drawing, the completed drawing on each side.

Mike Hubschman said on the right 40'. Its 22' on the left side.

Mr. Kassis said Thank-you. Any questions for the engineer ?

Ms. Stephanie De Carlo Pantale, architect, was sworn in.

Ms. Pantale had given her credentials at previous hearings, and was accepted as an expert.

Ms. Pantale testified using the plans. The house was originally a split-level. The roof was peaked differently. We are adding a master bedroom suite upstairs with a laundry area and a one car garage. We made it a little deeper. We are lifting the original roof here and we are raising it. So the new addition does not look disproportionate . This is the foundation.....we are adding a 12 by 27 foot wide one car garage. There is an existing garage with a walk. When you come in the front there is an existing foyer and an existing rec.

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room.....This is the basement, currently unfinished, its 7' high and not super-duper tall. The main floor and the bedroom area. There's the living room, when you come up the stairs from the foyer. The living room and the back of the house.....the dining-room is 4' 4" behind the kitchen. There is a very modest deck, 13' by 7'. So they can come out the side there. Have a grill or walk down to the patio. This level basically stays the same, where we have three levels..... There are 3 bathrooms there now . We are reconfiguring the bedrooms, and creating a staircase up to the master bedroom suite. We come up to a small hallway, with the areas, and lots of bedrooms, two walk-in closets, and..... *described bathrooms*.....

Mr. Capizzi Esq said describe the other elevations please.

Ms. Pantale said in the front this is the garage addition, an attic over here, the master bedroom on the back of the house.....the dining area and the kitchen and the back of the garage. We relocated some windows for the bathrooms and the slider to the back of the house, they were reduced.*paper rustling*.....Clearing around with the elevation.....on the right we have the master bedroom....., the kitchen bumps out, there's the dining-room, facing the neighbor. Beside it is our garage addition, kitchen addition.....over the main section.

Mr. Capizzi Esq said can you just discuss the façade materials on the front, please.

Ms. Pantale said yes, it's 78, either vinyl siding or hard wood plank siding, a faux shingle roof. We put some more trim around the windows. I have a little 6" bump-out bay just to play around with the roof, shadowing of the.....There is a *nefaria* that sticks out 2' over the front, so we are just putting a small façade, without bumping out any quarter color anything, we're just building a roof over the roof that bears on the right.....*described roof design*.....We're adding dormers to add to the charm.

Mr. Capizzi Esq said thank-you.

Mr. Kassis said could you flip to the side elevations again. On the right side elevation, were there 3 windows there?

Ms. Pantale said yes

Mr. Kassis said and now how many are there ?

Ms. Pantale said there are none.

Mr. Kassis said hmm.

Ms. Pantale asked **Mr. Capizzi Esq** if putting windows in the garage was not a problem ? I just didn't think.....

Mr. Kassis said I did not say that this would hold up the application. Everything looks so beautiful, and the side-yard beside it, looks so plain.

Ms. Pantale said again our pictures are flat, but we will definitely put a window in the garage. But the heights of the roofs are just right. So you walk around the house to the lower section there.....

Mr. Kassis said looks much better.

Mr. Kassis said any questions for the architect ?

Mr. Corona said I am assuming that all the foliage on the south side of the house is gone obviously to make room for the garage.

Ms. Pantale said there is a general property law....its right on the some property line..

Mr. Corona said but they have some right up against the house.

Ms. Pantale said whatever the municipal law is telling, but there is still precedent, we're on the property line.

Mr. Capizzi Esq said there is no exterior work proposed as part of the project.

Mr. Kassis said any other questions for the architect ? None heard. Are there any other witnesses ?

Mr. Capizzi Esq said that's all we have Mr. Chairman.

Mr. Kassis said are there other questions generally for the engineer, architect or attorney ?

Mr. Kassis said none heard. Is there anyone here in the audience for or against this application ?

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Let the record show no-one raised their hands.

Mr. Kassis said at this point we would entertain a motion either to approve or deny the application as slightly modified, with two windows.

Mr. Corona made a motion to approve.

Mr. Kassis said can we have a second ?

Ms. Wehle seconded.

Vote was taken. Motion passed

Mr. Capizzi Esq said thank-you all.

Mr. Kassis said the next order of business is the resolutions.

Resolution

1405 Jung Hwan Jang 31 Allen St. Madison B 73.01 L39

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	25'		
Side Yard Abutting/Lot	15'	10'		ENC
Other Side Yard	20'	10.5'		ENC
Combined Side Yards	35'	20.5'		ENC
Min. Rear Yard	30'	96.5'		
FAR	39%	NA		
Height of Building	28'	NA 2 story		
Lot Frontage	100'	50'		
Lot Depth	100'	180'	NA	
Bldg. Coverage %	12.51%	28.1%	NA	
Impervious Coverage Within 125' lot line	35% 3,500 sf	24.86% 2,237 sf	46.25% 2,775 sf	11.25%
Lot Area Within 125' lot line	10,000 sf	9,000 sf 6,000 sf		ENC
Wood Deck		52 sf	0 sf	
Patio		0 sf	500 sf	

Mrs. Jang was granted the above variances construct a Patio.

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Resolution

1407 Yehuda Udi Cohen and Tali Cohen 46 Pershing Place B 1.37 L 329.01

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	25.1'	25.1'	
Side Yard Abutting/Lot	15'	15'	15'	
Other Side Yard	15'	15'	15'	ENC
Combined Side Yards	35'	30'	30'	ENC
Min. Rear Yard	30'	53.33'	34.83' To porch	
FAR	35.22% 3082 sf	34.78%	34.78%	
Height of Building	28	27.67 2 ½ stories	27.67	
Lot Frontage	100'	70'	70'	ENC
Lot Depth	100'	135'	135'	
Bldg. Coverage %	20% 1890 sf	19.05% 1800sf	22.96% 2170 sf	2.96% 280 sf
Impervious Coverage variable	32.9% 2879 sf	34.51% 3020 sf	34.51% 3020 sf	ENC
LotArea	10,000 sq.ft	9450 sf	9450sf	ENC

Yehuda Udi Cohen and Tali Cohen, represented by Avraham Lavon, were granted the above variances to construct a covered patio.

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Resolution

1408 Nadav and Maayan Gottesman 40 Mountain View Rd

B 1.03 Lot 10

Description	Required		Existing	Proposed	Variance
Front Yard Set Back	25'		29.27'	29.27	
Side Yard Abutting/Lot	15'		10.51	10.51	Enc
Other Side Yard	20'		13.08'	13.08'	Enc
Combined Side Yards	35'		23.59'	23.59'	Enc
Min. Rear Yard	30'		58'	45.68'	
FAR	34.5% 3344 sf		30.97% 3002 sf	30.97% 3002 sf	
Height of Building	28'		28' 2 ½ stories	28' 2 ½ stories	
Lot Frontage	100'		78.24'	78.24	Enc
Lot Depth	100'		134.40'	134.40'	
Bldg. Coverage %	20% 1939 sf		19.98% 1937 sf	24.44% 2369 sf	4.44% 430 sf
Impervious Coverage variable	32.5% 3151 sf		27.2% 2637	32.48% 3149 sf	
LotArea	10,000sf		9494 sf	9494 sf	Enc

Nadav and Maayan Gottesman, represented by Avraham Lavon, were granted conditional approval to construct a covered patio

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Resolution

1409 TomerEdry 149 Palisade Ave B 92.08 L 28

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	29.93'	29.93	
Side Yard Abutting/Lot	15'	12.30	12.30	Enc
Other Side Yard	20'	12.15'	12.15'	Enc
Combined Side Yards	35'	26.10	26.10'	Enc
Min. Rear Yard	30'	30.21	16.64	13.36'
FAR	36.12% 3761 sf	31.78% 3310 sf	31.78% 3310 sf	
Height of Building	28' 2 ½ story	28' 2 ½ story	28' 2 ½ story	
Lot Frontage	100'	47.31	47.31	Enc
Lot Depth	100'	111.64'	111.64'	Enc
Bldg. Coverage %	20% 2160 sf	20% 2160 sf	21.85% 2360 sf	1.85% 200 sf
Impervious Coverage variable	33.4% 3478 sf	35.07% 3648 sf	35.07% 3648 sf	Enc
LotArea	10,000sf	10,800		

TomerEdry, represented by Avraham Lavon, was granted conditional approval to construct a covered patio