

***Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 PM
Minutes Sept. 28, 2023***

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

Absent Ms. Westerfeld

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 Aug. 24, 2023 minutes were approved by Mr. Cleary, and all present Board members were in favor.

Mr. Kassis said the first application on the agenda is 1414, which is 4 Fenway Court, has been adjourned until next month as requested by the applicant. Is there anyone here, in the audience, here to make comments regarding 4 Fenway Court. Let the records show that no one responded.

The next application tonight is **1415 165 Knickerbocker Rd. Block 127 Lot 5**. Any body associated with this application step forward please.

Application

1415 ARZ Industries LLC

165 Knickerbocker Rd

Block 127 Lot 5

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	39.56	39.56	
Side Yard Abutting/Lot	15'	10.31'	14'	1.0'
Other Side Yard	15'	10.36'	18.2'	1.8'
Combined Side Yards	35'	20.67	28.51	6.49'
Min. Rear Yard	30'	67.5'	42.9' as to addition	
FAR	37.02%	28.7%	34.5%	
Height of Building	28'	28'	28'	
Lot Frontage	100'	60'	60'	ENC
Lot Depth	100'	150'	150'	ENC
Bldg. Coverage %	20%	17.2%	24.7%	4.7%
<u>Impervious Coverage Within 125' lot line</u>	<u>33.9%</u>	<u>31.3%</u>	<u>42.4%</u>	<u>8.5%</u>
<u>Lot Area</u>	<u>10,000 sf</u>	<u>9,000 sf</u>	<u>9,000</u>	<u>ENC</u>

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*A representative for the owners is before the Zoning Board for approval.
They would like to construct an addition .*

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They would like to construct an addition .

Mr. Mark Madaio esq introduced himself as representative for the applicant. His office is at 31 Legion Dr. in Bergenfield.

Mr. Madaio esq introduced Jacob Solomon, architect for the project.

Mr. Kassis said could you please pay extra attention to the microphone, and whoever might be the witness shift the microphone to that direction.

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1415 ARZ Industries LLC (cont.) 165 Knickerbocker Rd Block 127 Lot 5

Mr. Madaio esq agreed.

Mr. Solomon was sworn in.

Mr. Solomon gave his credentials prompted by **Mr. Madaio**.

Mr. Madaio esq displayed a photo of the house, marked A-1.

Mr. Madaio esq presented Drainage calculations, marked A-2.

Mr. Madaio esq commented on the possibility of a Drainage pit.

Mr. Madaio esq said that the lot was an under-sized property on Knickerbocker Rd..

Mr. Madaio esq showed on the photo A-1, that there was a second door that will be eliminated. The house may have been a ‘mother / daughter’ or possibly a 2 family. That area will become part of the general living space. The applicant proposes a couple of changes, Mr Solomon and I will walk through them. Again the property is undersized by 1,000 sq.ft. The property is narrow. It is 60’ the zoning require 100’. We have no intention of relocating the existing house, or expanding beyond the existing side yards. On a 60’ lot that is really not possible. The applicant will leave the house essentially alone. There will be no change in foot-print.

Mr. Madaio esq described how the applicants proposed to ameliorate the side yard variances, as shown in the above Zoning chart.

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Mr. Madaio esq said the application currently has an existing one story flat roofed structure. If you look at this photograph, the existing rear elevation shows the flat roofed family room structure behind the house. The applicant's intention is to go up one story. That requires no variance for that change. That is not changing the foot- print at all. We are trying to be very sensitive about the foot-print, and the FAR. We are slightly under the permitted FAR. Behind that two story intermediary structure, we intend to build a garage.....There would finally be a garage on this property, where there hasn't been one for who knows how long. And the construction for that will then be a 2 car garage. The principal variance which we see for all of this, is Impervious Coverage. Impervious Coverage is permitted at 33.9%, and is being sought at approximately 42%. The garage will also require a Building Coverage variance, where 20% is permitted, and we are 24.7% . So slightly over on Building Coverage, over on Impervious Coverage, but under on FAR, because fundamentally we are not changing. **Mr. Madaio esq** reviewed photo A-3 in the application which shows a roof-top patio on the one door garage.

Mr. Madaio esq introduced Mr. Solomon, architect.

Mr. Madaio esq said Mr. Solomon, you were consulted as an architect to design this project, correct ?

Mr. Solomon said that is correct.

Mr. Madaio esq said what did the client need and expressly prioritize for this project ?

Mr. Solomon discussed the issues which included the garage, with the site triangle, with the side yards.

Mr. Madaio esq said the driveway is supposed to go from the right side of the house to the left side of the house, to get 10 1/2', and 10 1/3' side-yards.

Mr. Solomon said correct.

Mr. Madaio esq said what are some of the priorities that the applicant contested ..

Mr. Solomon said a front porch, a closed and open front porch. The location of the stairs.

Mr. Madaio esq said if we relocate those stairs, they will now be in the same plane as the left side of the house, correct ?

Mr. Solomon said that is correct. We will maintain 10.3' side-yard set back.

Mr. Madaio esq said alright, what were some of the other principal design criteria that led to the development of the rear of the property.

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1415 ARZ Industries LLC (cont.) 165 Knickerbocker Rd Block 127 Lot 5

Mr. Solomon said they are seeking more family space in the house. Its not a very large house, and there was not very much family recreational area . We had this extra space, in the existing area that was one story. So we decided to create a family room. With the addition the house was split-level. The set-back was 14'. That's just for the one-story stair case . (described the design of the stair case)

Mr. Madaio esq said and that incurs into the 15' side-yard set-back, but it is only for one foot and that is only for that stair-case. Other than that, it is only adding a 2nd floor on the existing 1st floor flat roofed structure.

Mr. Solomon reviewed the set-back numbers.

Mr. Madaio esq said Ok, so that will now become a two story structure of usable space.

Mr. Solomon said behind that we are proposing 2 car garage which will be one story.
(described how the garage will fit in and provide usable outdoor space)

Mr. Madaio esq said without requiring a rear-yard set-back.

Mr. Solomon said that is correct. That is correct. The set-back is 42.9' where 30' is required.

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Mr. Madaio esq said the lot is actually quite deep. 100' is required and we have 150'.

We have a 60' wide and 150' deep lot, so we can accomplish this addition to the rear of this structure without requiring a rear-yard set-back. Correct ?

Mr. Solomon said correct.

Mr. Madaio esq said I would ask the board again to look at existing rear allocation, which is almost 68' for the rear yard set-back. (reviewed other existing measurements shown on the Zoning Table)

The FAR permitted is 37.2%, and now we are at 34.5%. The FAR is under what is permitted.

If we can, lets move forward unless there are any specific design criteria. Lets move to floor –plans.

Mr. Solomon described the floor plans, prompted by Mr. Madaio esq.

Principal Criteria: more family space, create family room , setback 14', addition of 2nd floor, 68' rear yard set-back.

Required FAR is 37%. Proposed FAR is 34.5%.

Presented / described the floor plan on A-2.

A.3 is 4 page document

Proposed Basement plan. Basement is below grade.

Six steps up there are 2 bedrooms plus a bath and the family room

2nd floor plan: existing Master bedroom. Not changed.

Existing attic.

Change front porch. Front door moved to left.

Right Side is existing and not changed.

Change to front porch. Front door moved to left. Right side is existing-not changed.

A-4 Rear elevation looking towards house. Front of property has new addition

Mr. Madaio esq said that run-off caused by Impervious Coverage would be handled by the Seepage pit .

Mr. Madaio esq gave the closing argument for granting approval of the application.

Mr. Kassis said the size of the garage seems to be larger than other garages.....Could you go over the details of the design. It seems to be wider than it needs to be for two cars.

Mr. Solomon said 20' by 22' is a standard garage for the larger cars we have today. The extra 25' would permit 9' garage doors, which would allow K turns.. Because the applicant is older, we designed the larger size for easier egress.

Mr. Kassis said by having a single door this would allow the structure to be smaller. This would reduce Impervious Coverage also the Building Coverage as well. Could you do that?

Mr. Solomon said yes we could do that. Say 3' or 4'.

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1415 ARZ Industries LLC (cont.)

165 Knickerbocker Rd

Block 127 Lot 5

Mr. Kassis discussed the reasons why the garage size must be reduced.

Mr. Corona asked for clarification of A-3

Mr. Solomon said there would be a reduction of 2% if the garage was 20' by 20'.

Mr. Kassis asked are there anymore questions from the Board members ?

Mr. Kassis asked is there anyone in the audience here, for or against this application ?

Let the record show that no one was here.

Mr. Madaio esq described the location of the driveway on the property.

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Mr. Van Horne asked Mr. Madaio whether he had discussed with his client to amend the application to reflect the smaller garage.

Mr. Madaio esq said *I believe that was checked through the client, and yes we would be very happy to make that all a little bit more livable and a better situation for the town.*

Mr. Kassis said for the record, was that the builder or the owner ?

Mr. Madaio esq said *It was just the owner, and he approved that change for a smaller garage.*

Mr. Van Horne estimated revised Building Coverage and Impervious.

Mr. Solomon said 2.7% variance Building Coverage, Impervious Coverage is 40.4.

Mr. Kassis and Mr. Solomon discussed the Side Yards.

Mr. Solomon explained that there would be no change to the proposed Side Yards.

Mr. Kassis said if there are no further questions from the Board or from the audience, can we have a motion to either approve or deny this application as amended.

Mr. Cleary made the motion to approve.

Mr. McCord seconded.

The vote was taken.

Mr. Kassis voted no, all other members voted yes. The application was granted.

A member of the audience asked to be heard.

Mr. Kassis. heard her question and gave an answer.

The recording was poor, and the conversation was not comprehensible.

Mr. Kassis said the next application is 1416 Maximilian Moehlan at 17 Cherry Court, to construct a Driveway.

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Application

1416 Maximilian Moehlen 17 Cherry Court Block 28 Lot 20

<u>Description</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u>
Front Yard Set Back	25'	25.1'	25.1'	
Side Yard Abutting/ Lot	15'	12.4'	12.4'	ENC
Other Side Yard	15'	12.4'	12.4'	ENC
Combined Side Yards	35'	28.8'	28.8'	ENC
Min. Rear Yard	30'	32.5'	32.5'	
FAR				
Height of Building				
Lot Frontage	100'	75'	75'	ENC
Lot Depth	100'	100'		
Bldg. Coverage %	20%			
Impervious Coverage Within 125' lot line	33.4%	36.8%	40.4%	8.4%
Lot Area	10,000 sf	7,500 sf	7,500 sf	ENC

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**A representative for the owners is before the Zoning Board for approval.
They would like to widen his driveway.**

Mr. Maximilian Moehlen was sworn in.

Mr. Moehlen had been to the Planning Board on Sept. 26, 2023. A copy of the Planning Board minutes are on Page 6.

According to the Sept.26 Planning Board minutes , Mr. Moehlen was granted a waiver to widen his driveway by 8', with a setback to the property line of four feet.

There was a discussion among Board members as to how the Planning Board could grant the waiver without consideration of the Impervious Coverage variance

Mr. Robert Rummel, who is a member of the Planning Board, said he had attended the Sept. 23 meeting.

Mr. Robert Rummel was sworn in.

Mr. Rummel testified I don't know how he came in front of the Planning Board either. He had a letter of introduction, and the driveway is 3' from the side yard. We all have that, so we came to the conclusion that it was working. It would be better, so we have 4' to the neighbor . The neighbor did not have a problem with that. So that's why we approved that.

Mr. Van Horne asked did the neighbor come and testify.

Mr. Rummel said no, we just believed him.

Mr. Van Horne but you approved the waiver.

Mr. Rummel said at 4 ½

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1416 Maximilian Moehlen (cont.) 17 Cherry Court Block 28 Lot 20

Mr. Corona asked did you get a letter of denial

Mr. Moehlen said that he had.

He is at the Zoning Board for an Impervious Coverage variance.

Mr. Moehlen testified that he wanted to expand his driveway with 4' from the side yard..

The Zoning table was calculated for 3' from the side-yard.

Mr. Kassis said you have your application in front of you. Amend your application to have a 4' side-yard to the right of the driveway. That would reduce your Impervious Coverage, at this point, by an unknown amount, but which we could approve this application subject to you maintaining the 4%, and, before the memorialization, you would have to provide the percentage to the Board, so that it could be included in the next months memorialization.

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Planning Board Minutes (excerpt) Sept.26, 2023

*Mr. Maximilian Moehlan was present and noted that he recently moved to Cresskill from Tenafly. He is seeking to expand the driveway so he can put both cars in the driveway. He would like to put both cars off the street since Cresskill doesn't allow cars in the street overnight starting in October. His address is 17 Cherry Court. Mr. Moehlan showed his survey. He talked to the neighbor and the neighbor is okay with it. They will be about four to four-and-a-half feet off the property line. He pointed out the neighbor's house that will be affected. House number 23 is to the left and 11 is to the right as you are looking at the house. The existing driveway is only 12 feet wide. Ms. Tsigounis noted that Mr. Rusch's letter states that they are looking for a three-foot side yard. Mr. Moehlan said that he will more likely be having a four-foot side yard. Ms. Tsigounis feels more comfortable with four feet off the property line. Both neighboring properties have double-wide driveways. This house only has a single-wide driveway. Ms. Tsigounis noted that his existing driveway is 12 feet and if he gets another eight feet it will give him a 20-foot-wide driveway and still leave four feet to the property line. Ms. Tsigounis made a motion to grant the waiver with a setback to the property line of four feet. Mr. Malone seconded the motion. All present were in favor. Motion approved. An approval letter was sent to Mr. Moehlan with copies to Mr. Bob Rusch and Ms. Francesca Maragliano. **** Subdivision Committee*