

**Borough of Cresskill
Zoning Board of Adjustment
Public Meeting
Minutes Jan. 25, 2018**

Present:, Mr. Kassis, Ms. Westerfeld, Ms. Schultz-Rummel, Ms. Batistic , Mr McCord
Mr. Van Horne (acting Board Attorney), Ms. Bauer (recording secretary),
Absent: Mr. Merzel, Ms. Furio, Mr. Corona

The meeting was called to order at 8:01 pm.

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

Minutes of the Nov. 30, 2017 and Dec. 14, 2017 meetings were approved.

Applications

1319 Frank DeCarlo 273 Magnolia Ave Block 136 Lots 293-297

Description	Required	Existing	Proposed (Corrected)	Variance (Corrected)
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft			
Other Side Yard	20 ft			
Combined Side Yards	35 ft			
Rear Yard Set Back	30'			
Max. Livable Fl.Area	(variable)			
FAR	30%			
Lot Frontage	100 ft			
Lot Depth	100 ft	'		
Bldg Coverage %	20%		25.6%	5.6%
Impervious Coverage	(variable) 30%		33.05%	3.05%
Height	28 ft			
Lot Area.	10,000 sq.ft			

The applicant proposes to construct a covered porch and patio
Requires proof of notification for Richard Vincentz, 82 Pershing Place

Proof of notification for Richard Vincentz, 82 Pershing Place, was submitted by the applicant.

Mr. Francis Steven DeCarlo was sworn in.

Mr. DeCarlo testified that the home is a ranch that I will be using as my personal residence. Its under construction now. We are renovating it. We are bumping out the back. One of the plans was to put an outside covered patio on. The lot is 100' by 135' deep . We are not trying to make a big huge mansion. We are keeping it a ranch. I would like to add an outside covered patio. We need some minor variances. One is the Building Coverage and one is the Impervious Coverage. The Building Coverage ordinance is 20% coverage, I am proposing 23.7% which is 3.7% (*variance*). The patio is included in the Impervious Coverage. The patio is opened, covered- for recreational use only. The Impervious Coverage (*variance*) is 0.6%, not even 1% over. We could reduce that down, but its not going to change the Building Coverage.

Mr. McCord asked what is the existing Building Coverage. ?

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Mr. DeCarlo said the existing Building coverage is 1,900 sq.ft., under construction is 763 sq.ft., outside covered porch is 534 sq.ft. Existing Building Coverage is 19.75%. That's with the addition we are building now that met all the criteria.

Mr. DeCarlo *indicated the proposed porch on the plan.*

Mr. DeCarlo said we kept the porch in line with the existing, so it wouldn't need any side-yards. The Rear Yard set-back (*required*) is 30', we are at 44'. We are very far from the neighbor's property, and we are totally conforming in every other aspect.

Mr. McCord said question regarding your walkway, is that the only access to this patio and covered porch ? Or, are there other access ? Are there 3 different doors here ?

Mr. DeCarlo *submitted the architectural plans (marked A-1). He indicated the location of the entries from the house to the porch and to the walkway.*

Mr. McCord asked is the walkway currently there ?

Mr. DeCarlo said no it was not there. It is includes in the Impervious Coverage.

Mr. DeCarlo *indicated the location of the proposed walkway on the plan.*

Mr. DeCarlo said the walkway was 4' by 12'.

Ms. Batistic asked Isn't the coverage calculated for the first 125' of the lot set ?

Mr. DeCarlo said yes.

Ms. Batistic said I believe that the percentages are incorrect. On the plan, that Mr. Hubschman prepared, he is dividing the proposed area with 13,500 sq.ft., which should be 12,500 sq.ft

Ms. Batistic asked for the portion under construction, you had a building permit ? Did you have to come to the board.

Mr. DeCarlo said no everything *conformed*.

Ms. Batistic said because if the Coverage is calculated based on the 125' depth, you would be 21.33%, which is above the

Mr. DeCarlo said the architect did the first calculation with 12,500, but

Ms. Batistic said if the existing building is 1,903 and the addition is 763 that's 2,666, if you divide this by 12,500 its 21.33%. So that's the violation.

Mr. DeCarlo asked how did you come up with the numbers ?

Ms. Batistic said from the Building Coverage calculation on the sheet that Michael Hubschman sent.

"Existing Building = 1903 sq.ft., Add Under Const. = 763 sq.ft., 2,666 S.F/12,500 S.F = 21.33%

If the 12,500 is used for the porch, then you would need 25.6%. which is 5.6% over. I just want to make the record correct.

Mr. DeCarlo said only the first 125' can be used, I have to amend the Building Coverage then'

Ms. Batistic said the variance will have to be changed.

Mr. DeCarlo asked can you do the numbers ?

Ms. Batistic said yes. The proposed is 25.6%. The same applies to the Impervious.

Ms. Batistic did the calculation.

Ms. Batistic said its 33.05%

Mr. Kassis asked is there any other question that the Board has for the applicant ?

Mr. Kassis asked is there anyone here for or against this application ?

Mr. Kassis said the decision at this point falls in the hands of the board, whether or not this is a significant material change in the application, that would warrant a re-notification or if its just an adjustment to the variance that was previously requested, and a slight modification to it...

Mr. McCord said with regards to the little walkway extending to the mud room, I don't know how the 48 sq.ft is going to make a difference in terms of the Impervious Coverage, but eliminating that I think

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would probably leave you a little closer especially now that we are talking about a 3% as opposed to a 0.6% variance.

Mr. DeCarlo said to consider taking off 50 sq.ft but I'll still be over. The idea in staying with the ranch was that we didn't go up and add 2000 sq.ft. We wanted to maintain the ranch look, go out the back and use up the 13,500 sq.ft., which we can live on but we can't use as a calculator.

Ms. Batistic said I would just like to point out that they are proposing under ground seepage pits and that will take of this additional walkway. I don't think that the walkway will make storm water issue and the plan shows what the proposed covered porch is going to be. It just happens that the calculations were not done correctly, I don't have a problem with us amending the application tonight and continue with the... That's how I feel.

Mr. Kassis consulted with Jack Van Horne.

Mr. Kassis said protocol dictates that we vote on changing the application first.

Mr. Kassis asked are there any comments or concerns from the board ?

Mr. Kassis said would someone make a motion to move forward with voting by approving the new numbers for this application.

Ms Batistic said I'll make the motion.

Ms Rummel seconded.

The Motion was passed.

Mr. Kassis said for the record this plan was available for viewing for those who had an interest...

Mr. Kassis said if there is no other question for the applicant, is there a motion to approve or deny the application.

Ms. Batistic said I'll make a motion to approve as amended.

Ms. Rummel seconded.

The application was granted.

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1320 John Finetto 159 Magnolia Block 32 Lots 363-364

Description	Required	Existing	Proposed	Variance
Front Yard Set Back Magnolia	25'	17.62	20'	
Front Yard Set Back 8 th St	25'	17.36'	17'	
Side Yard Abutting/Lot	15'			
Combined Side yards	35'			
Rear Yard Set Back	30'	10.19'	10'	
Max. Livable Fl.Area FAR	Variable 39%	25%	43.8%	13.8%
Lot Frontage	100'	50'		Tech
Lot Depth	100'			
Bldg Coverage %	20%	18.1%	25.9%	
Impervious Coverage	Variable 35%	29.2%	34%	
Height	28'			
Lot Area.	10,000 sq.ft	5,000sq.ft		Tech
Driveway from Prop. line.	10'			

The applicant would like to construct a new family home. He is requesting an FAR Variance.

*He is before the Zoning Board for an FAR variance.
He will apply for his other variances at the Planning Board.*

The applicant will email copies of the certification receipts and bring the originals to the meeting.

This application has the following history:

- 1283 159 Magnolia 32 363-364 7/23/2015 carried*
- 1283 159 Magnolia 32 363-364 8/27/2015 carried only 5 members present- needs 5 of 5 for FAR*
- 1283 159 Magnolia 32 363-364 9/24/2015 carried applicant warned only 5 members maybe present*
- 1283 159 Magnolia 32 363-364 10/22/2015 dismissed Applicant did not show*
- 1283 159 Magnolia 32 363-364 5/26/2016 carried architect came, but not applicant*
- 1283 159 Magnolia 32 363-364 6/23/2016 cancelled applicants did not attend*

The applicant had been advised that because of member absence / recusal there might not be enough members to approve the FAR.

Mr. Kassis asked is anyone here for Application #1320 159 Magnolia. This application will be heard at the next ZBOA meeting.

One person answered. She said that she has lived next door to 159 Magnolia .for 40 years.

Mr. Kassis advised that she should return on the 4th Thursday of February when the next meeting will be held.

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1321 Sejong Park 29 Crest Drive South Block 92.05 Lot 22

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft			
Combined Side Yards	35 ft			
Rear Yard Set Back	30'		26' to porch landing	4'
Max. Livable Fl.Area FAR	(variable) 35.22%			
Lot Frontage	100 ft	60'		Tech.
Lot Depth	100 ft			
Bldg Coverage %	20%		22%	2%
Impervious Coverage	(variable) 33.40%			
Height	28 ft			
Lot Area.	10,000 sq.ft	6,300 sq.ft		Tech

The applicant proposes to construct an addition

Ms. Chungmen Choi introduced herself as the sister-in-law of the applicant. He had asked her to attend the meeting to help present his case.

Mr. Van Horne asked are you an architect ?

Ms Thoi Swonn said no, just a family member. The applicant had asked her to attend.

Mr. Sangjoo Bae (architect) was sworn in and gave his qualifications as a licensed architect.

Mr. Bae testified the application has 22% Building Coverage with variance of 2%, because the frontage is not conforming. The frontage is 60', the requirement is 100'. Because it is narrow the frontage hardship, the client wants to maximize the extended area up to the rear set-back line. The current Building Coverage is 1023 sq.ft. the maximum Building Coverage can go up to 1260 sq.ft (20%). The owner wants extended Building Coverage to be 368 sq.ft- in total 1391 sq.ft. Which means 161 over the maximum coverage. The 2nd issue, because the extended building located off to the rear set-back line, so we need to have some sort of landing for the staircase to access the back-yard from the ground level of the house. That's why the staircase is located within the 30' Rear Yard Set-back line.

Mr. Kassis asked is this your presentation ?

Mr. Bae said yes but you can ask any question.

Mr. Kassis asked is there a topographical map showing if the property is flat or is there a decline in the back ?

Mr. Bae said yes, looking down to the left back corner of the property.

Mr. Kassis asked what is the grade differential from the front to the back ?

Mr. Bae said its about 1' 8"

Mr. Kassis asked from the curb to the rear property line ?

Mr. Bae said from the curb to all the way back to the property line- about 2' difference.

Mr. Kassis said question regarding the addition proposed and the step location that you have noted here in the drawing, is there an opportunity to put that on the south side where you have a certain amount of space here that could have the steps land on that same patio or slab. What's in that area between the garage – that 10' area ?

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1321 Sejong Park 29 Crest Drive South Block 92.05 Lot 22

Mr. Bae said that is a hard surface for landing for the stairs from the higher level to the grade level...

Mr. Kassis said is there any possibility of locating on the south side of that addition so that it doesn't encroach into the rear set-back ? We don't have a floor plan so its hard to determine what you are doing in that addition.

Mr. Bae said I have elevation here maybe I can show it to you.

Mr. Bae submitted a plan marked A-1

Mr. Bae said this is the elevation from the back-yard.

Mr. Kassis said you have to make the presentation to the whole board.

Mr. Kassis said while the board is reviewing A-1, do you have with you a floor plan of the addition ?

Mr. Bae said unfortunately I did not bring that

Mr. Kassis asked is there any question for the architect from the board ?

The board examined and discussed the plan.

Mr. Kassis said to **Ms Thoi Swonn** there seems to be some questions regarding the layout. Ordinarily its done is if you want to be the interpreter for the applicant, then you converse among each other and then forward those questions to us. That would be the appropriate method for you to act in behalf of the applicant. Would that work for you ?

Ms. Swonn said yes.

Mr. Kassis said So I am going to ask you questions and you have to double check with the applicant.

Ms Chungmen Choi was sworn in. She swore to translate what the applicant says to you to this Board accurately and truthfully.

Mr. Van Horne told Ms. Choi to translate what he says to Mr. Park.

Mr. Park was sworn in.

Mr. Kassis said the questions regarding the layout of this addition. You have an addition here, and then there is a 4' platform that goes to the back. Is it possible to locate that platform structure so that the variance is not needed, on the side of the addition that's on the south side where the garage is ?

Ms. Choi and Mr. Park discussed Mr. Kassis' question.

Ms. Choi said the reason why the stairs cannot be on the side in between the garage and the building is that we believe there is a variance requirement that there be a distance between the building structure. There is a 10' requirement, there is a Zoning code requirement for 10' separation between the building and the garage.

Mr. Kassis said this is a question for the architect. There is a platform here that is 4' deep. Approximately how wide is that /

Mr. Bae asked the landing ?

Mr. Kassis said yes, the landing.

Mr. Bae said the platform is about 12' long and 4' wide. You can see the elevation and the steps. The total length about 15' (*Mr. Bae indicated on the plan*) and the depth about 4' wide.

Mr. Van Horne asked is there a home located behind your property ? Can you give us an approximation of the distance between the property line and where the house sits on that property ?

Ms. Choi said he is not 100% sure but he thinks that visually its similar to the set-back to his house. They don't have an extension coming toward.

Mr. Kassis asked is there any other question for the applicants ?

Mr. Kassis asked is there anyone here for or against the application ?

Mr. Kassis said it appears we are going to be voting on the application. There is an uncertainty whether or not we are able to build the steps between the garage and the building to maintain the minimum 10' set-back or distance and therefore we are voting on the application as it's presented. Is there a motion to approve or deny this application.

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Ms. Batistic made the motion to approve the application as presented. The reason being that the encroachment into the rear yard is really for the steps, its not the deck, that they are going to be congregating at and the garage is already only 18’ from the rear. So you already have some kind of an encroachment and therefore I vote to approve the application as presented.

Mr. McCord seconded.

The application was granted .

1322 Liron Bensusan 344 11th St. Block 14.02 Lot 13

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard abutting/Lot	15 ft		12.7’	2.3’
Other Side Yard	20 ft		15.8’	4.2’
Combined Side Yards	35’		28.5’	6.5’
Rear Yard Set Back	30’			
Max. Livable Fl.Area	(variable)			
FAR	35.22%			
Lot Frontage	100 ft	75’		Tech.
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	(variable) 32.40%		32.82%	.42%
Height	28 ft			
Lot Area.	10,000 sq.ft			

The applicant proposes to construct an addition

Ms Liron Bensusan was sworn in.

Ms. Bensusan testified. We want to extend the house in the back.

Mr. Van Horne asked do you reside there?

Ms. Bensusan said yes since 2010.

Mr. Van Horne asked what are you adding to the house ?

Ms. Bensusan said we want to add a kitchen, add more space to the main floor which is very small – about 500 sq.ft. We want to extend it to the back-yard, which is very large, and basically push the kitchen and have *more* space. It’s a split level so on the 2nd level we want to add another room and bathroom. The 2nd level is actually an extension above a sun-room on the ground floor.

Mr. Van Horne asked is there any question for the applicant ?

Mr. Kassis said just to confirm. The addition in the back on the right side sits over the existing structure.

Ms. Bensusan agreed.

Mr. Kassis said you are not encroaching anywhere to the right side of the house ?

Ms. Bensusan said that’s right.

Mr. Chris Blake (architect) was sworn in and gave his credentials.

Mr. Blake testified they were adding an addition to the first floor on the right side of the split-level.

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1322 Liron Bensusan (cont.) 344 11th St. Block 14.02 Lot 13

The kitchen is bumping out the rear on the right hand side. On the second floor, its the bedroom with a bathroom extending out the rear over the sun-room. We are here for variances for the side yard. For a single side yard, and combined side-yard. Where the proposed addition is 12.7' from the right hand side-yard property line and the combination of the 2 side-yards is 27.5' where 35' is required. We are also seeking a various for a small Impervious Coverage.

Mr. Van Horne said the Combined Side Yards is 28.5'. What's existing ?

Mr. Blake said the existing side yards are about 13.80 and 15.70. We are leaving the 14.80 and requesting the 13.70, it should *trans 70* which is again a 3' addition to a side-yard, after all only one story tall.

Mr. Kassis said this is a new addition encroaching into the right side yard set-back that currently exists.

Mr. Blake said correct. We are asking for a variance for a slight Impervious Coverage of 0.4%. The patio going beyond the addition is only 5' wide. The existing property is only 75' wide which is an existing non-conforming lot. The house situated on 13.80 and 15.70 side yards set-backs on an existing non-conformity side-yard set-backs. The property is deep 137', and 10,494 sq.ft. So the property is the right size. We are adding floor area to the property. We are adding building coverage to the property. We are here for less than ½ % Impervious Coverage, the Side Yard Set-backs and the Combined Side-yard Set-back.

The house sits on the East side of the street. There is another house directly to the left. There is another house directly to the right. Both of them are split-levels as well. Both of them have driveways on the left hand side. So we are decreasing .. with another property with a driveway and a garage, and there is a 6' high solid fence between the houses. There is a lot of greenery and landscaping to the rear of the property but, again we are almost 50' Rear Set-back.....

The Side-Yard Set-backs stems from the rear of the house. Again with a split-level house, the living, diningkitchen, - living space level, is restricted at 500 sq.ft.- 25' by 20'. So adding living space to that level is important, adding windows is important. Adding living space is relatively restricted for 21' or 22' width we would have to maintain, if we kept it where it was.

Mr. Blake argued that the Side-yard and Combined Side-yard Set-backs were necessary for the addition to the house, and the house was in keeping with the neighborhood.

Mr. Kassis said these drawings are small even with glasses. My concern here is that we have a continuation of the current side-yard. I'm looking at the plans and trying to figure out why this bump-out in the middle of the property. Why, if you moved that 2', you couldn't move that 2', pick up some extra space and maintain that side-yard. Looking at the plan, I'm having trouble identifying a reason why we couldn't do that, or you couldn't do that. You are a creative architect who comes before the board with very difficult properties and managed to work something out. In this case, I am somewhat surprised by the ...side-yards.

Mr. Blake said I see a lot of these slit-levels. They are similar in nature and have the same lay-out. The kitchen currently is about 10' by 10', the result of the 21' house. Making it deeper and longer and stretching it towards the rear, still makes you feel you have a 10' kitchen.

Mr. Blake argued that the 21' width is limiting the size of the kitchen and the dining room. And the wish of the applicant to have more living space.

Ms. Batistic said if you shift this new addition with the kitchen and the dining room towards the laundry room and take those 3' off the laundry room. The laundry room is pretty big...

Mr. Blake said its less than 6' wide. I can't make that 3' narrower.

Ms. Batistic said not the entire, but you leave the refrigerator where it is and then you start jacking it into laundry room. You will still have laundry washer and drier, and the sink area will be- the sink will be a 2'

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1322 Liron Bensusan (cont.) 344 11th St. Block 14.02 Lot 13

sink. And everything could be shifted and it will keep the same. I think it could be done without losing-only losing a small area in the laundry room.

Mr. Blake said you are correct.

Mr. Kassis said I am concerned we are creating something that doesn't need to be. You look at that kitchen with the dining area and the big open concept, you have enough space that you are allocating an island, and the need to put a dining room table to leave quite a bit space between that area. Enough that I believe something could be done to either shift that over or do something different than bumping out to the side. I can't speak for the whole board, I can't see this application in its current format...

Mr. Blake said right, I understand.

Mr. Blake consulted with the applicants.

Mr. Blake said We understand. We think we can come up with a solution that fulfill our needs and our functions by maintaining the rear yard addition to be aligned with the existing Side-Yard Set-back. The Combined Set-back will still be under the 35' required.

Mr. Kassis asked what is the distance to the back ?

Mr. Blake said its 49.78'.

Mr. Kassis said I'm sure there is something you can do to maintain the Side-Yards the way they are.

Mr. Van Horne asked can you re-calculate if you move the kitchen over 3' ?

Mr. Blake said no variance needed for Impervious Coverage. Combined Side-Yard Set-Back will be 30.50', where 35' is required.

Mr. Kassis said the Impervious Coverage is not going to go up.

Mr. Blake said the Impervious Coverage will go down. Combined Side-Yard variance will be 4.5.

Mr. Van Horne said the other Side-Yard will stay at 14.8'

Mr. Blake said correct.

Mr. Kassis asked that's the application you are presenting.

Mr. Blake said that's the application.

Mr. Kassis asked is anyone here for or against the application ? Are there any other questions for the applicant or the architect ?

Mr. Kassis said is there a motion for or against this application ? Modified with a 4.2' Side-Yard and a Combined Side-Yard of 4.5'. Practical Front Yard is 75'. Impervious Coverage goes alike.

Mr. McCord made the motion to approve.

Ms Rummel seconded.

The application was granted

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1323 Ilan Doron

27 Clark St

Block 194 Lots 7

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	28	25.2'	
Side Yard Abutting /Lot	15'	14.9'	12.3'	2.7'
Other Side Yard	20'		12.3'	7.7'
Combined Side yards	35'	31.8'	24.6'	9.4'
Rear Yard Set Back	30'	30.7'	32.3'	
Max. Livable Fl.Area FAR	Variable 33.78%		34.4%	0.62%
Lot Frontage	100'	78.73'		Tech
Lot Depth	100'	95'		Tech
Bldg Coverage %	20%	25%	22.1%	2.1%
Impervious Coverage	Variable 32.1%	32.7%	34.2%	2.1%
Height	28'	17.8'	27.7'	
Lot Area.	10,000 sq.ft	7,479sq.ft		Tech
Driveway from Prop. line.	10'			

The applicant would like to construct a new family home. He is requesting an FAR Variance.

He is before the Zoning Board for an FAR variance.
He will apply for his other variances at the Planning Board.

The application was carried at the request of the applicant.

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Memorializations

The applicant was granted the following variances to construct a two story addition. Stipulations in the resolution include removal of garage, and replacement of the roof to comply with height ordinance requirement..

1313 Eugene Cocka 14 Park Ave Block 166 Lot 20

Description	Required	Existing	Proposed 10/26/17	Variance 10/26/17	Proposed 11/30/17	Variance 11/30/2017
Front Yard Set Back	25 ft	24.9'	24.9'	0.1'	24.9'	0.1'
Side Yard Abutting/Lot	15 ft	3'	3'	12'	3'	12'
Combined Side Yards	35 ft	18.08'	18.08'	16.92'	20.08'	14.92'
Rear Yard Set Back	30'					
Max. Livable Fl.Area FAR	(variable) 39%		50.3%	11.3%	46.6%	7.6%
Lot Frontage	100 ft	50'				Tech
Lot Depth	100 ft					
Bldg Coverage %	20%		34%	14%	24.3%	4.3%
Impervious Coverage	(variable) 35%		50.9%	15.9%	38.9%	3.9%
Height	28 ft				27'6"	
Lot Area.	10,000 sq.ft	5,000 sq.ft				Tech

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The applicant was granted the following variances to renovate the 2nd story and construct a front porch addition. The resolution includes an added window.

1317 Robert Sung 25 Park Ave Block 163 Lots 37

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	26.4'	21.4'	3.6'
Side Yard Abutting/Lot	15 ft	9'	9'	6'
Other Side Yard	20 ft		18.4'	1.6
Combined Side Yards	35 ft	24.9'	27.4'	7.6'
Rear Yard Set Back	30'	35.4'		
Max. Livable Fl.Area FAR	(variable) 35.22%	28.33%	36.21%	0.99%
Lot Frontage	100 ft	70'		Tech
Lot Depth	100 ft	100'		
Bldg Coverage %	20%	23.16%	23.77%	3.77%
Impervious Coverage	(variable) 33.40%	28.43%	29.19%	
Height	28 ft	22'	27.33'	
Lot Area.	10,000 sq.ft	7,000 sq.ft		Tech

Other Business

Annual Re-Organization :

Mr Kassis said we are a few members short. Do we want a motion to hold the re-organization at the next meeting. Motion to postpone the re-organization until the February meeting.

Ms. Batistic made the motion.

Mr. McCord seconded.

Mr. Kassis asked 'all in favor'.

All the members of the board said 'aye.

Meeting adjourned at 9:07 pm