

**Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 8 pm
Minutes Nov. 29, 2018**

1337 Lumaj Homes LLC 189 Magnolia St. B31 L 456-458

Description	Required	Existing	Proposed	Variance
Front Yard Set Back (Magnolia)	25 ft	24.6	24.6	0.4'
Front Yard Set Back (Tenth)	25 ft	21.8	21.8	3.2'
Side Yard Abutting/Lot	15 ft	7.1'	7.1'	7.9'
Other Side Yard	20 ft			
Combined Side Yards	35 ft			
Rear Yard Set Back	30 ft	50.9'	39'	
Max. Livable Fl. Area (FAR)	35.22%	17.7%	34.6%	
Lot Frontage	100'	70'	70'	TECH
Lot Depth	100'	100'	100'	
Bldg. Coverage	20%	14%	20%	
Impervious Coverage (variable)	32.9	21.9%	31.4%	
Height of Bldg	28'	23.1'	28'	
Lot Area	10,000 sq.ft	7,000sq.ft	7,000 sq.ft	TECH

The applicant proposes to construct a new addition.

The previous owner (Caliber Homes Inc) was granted approval for an addition (Application # 1114) on June 28, 2007.

The resolution #1114 is included with the application.

The application #1114 was not implemented.

Lumaj Homes LLC , application #1337, proposes a similar addition.

Mr Sean McClellan, from Lantelme, Kurens & Assoc., P.C Engineers & Land Surveyors, on behalf of Lumaj Homes Inc.

Mr McClellan said the existing house is 1 ½ stories on Magnolia Ave. I'm looking to add an addition in the rear. The lot is non conforming in area, its 7000 sq.ft where 10,000 is required. Lot frontage is 70' where 100' is required. A few variances, the front yard on Magnolia, where 24.6' is existing and 25' is required . On Tenth St., its not conforming at 21.8'. The side yard is 7.1' existing and 7.1' proposed. The Building and Impervious Coverage are conforming, as well as FAR.

The house as it exists now has no type of drainage for run-off from the home. We will be putting a 1000 gallon seepage pit which will take care of the existing and proposed addition seepage needs. Drainage-wise we will be improving the site.

Ms. Furio said so in the back you are adding the proposed 2nd story addition just in the back.

Mr McClellan said correct. We are going up as well in the front.

Ms. Furio said the whole thing will be raised.

Mr McClellan said correct.

Ms. Furio said so you are continuing the non-conformity.

Mr McClellan said right . We are all on the same lines on the site.

Ms. Furio said and in the back, the addition is how many feet ?

Mr. McClellan said the rear yard is currently 50.9' and after the addition its 39', so well within the 30' set-back. The front yard variance we are requesting on Magnolia is due to the Portico, which basically sits on top of the existing open patio now. It won't be any closer to the street than it currently is.

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Ms. Furio said that is part of the front of the house.

Ms. Furio asked what's the distance between the 2 houses ? Between the house adjacent on the Magnolia Ave side ?

Mr McClellan said I don't believe we've shot that. I know the driveway between our house and theirs, I don't know the distance between the 2 houses.

Mr. Van Horne asked are you testifying as the attorney or as the engineer ?.

Mr McClellan said engineer

Mr. Van Horne apologized. I thought that you were the attorney.

Mr McClellan was sworn in.

Mr McClellan said he did not have the distance between this house and the house on Magnolia.

Ms. Furio said you have no idea how to measure from the plans.

Mr McClellan said so I have to be able to derive... It looks like the house on the right would be conforming with the set-backs.

Ms Furio said so pretty much every thing here is a pre-existing condition .

Mr McClellan said correct. So the frontage on Magnolia is 24.6', and then we are adding that Portico which makes it 21.7', but the distance that we are going off the Portico is what the existing open porch is now. So it will be covering that porch instead of having an open porch.

Ms. Furio said you are just putting a roof on it, you are not encasing it...

Mr McClellan said correct. Then there is a side-yard 7.1', which will be maintained at 7.1' as we go further back.

Mr. Kassis asked the current height of the garage is what, comparatively to the supposed addition that is going to follow the grid lines.

Mr McClellan said the roof peak of the house currently is 1.1, from the 1st floor to the roof peak is about 19', I don't know about the garage.

Mr. Kassis asked did you scan all that based on your drawings ?

Mr McClellan said I have the site plan. I don't have the architectural for the garage.

Mr. Kassis asked did they give that to you ?

Mr McClellan searched his papers but could not find the architectural for the garage.

Mr. Kassis and Mr McClellan could not find the height of the garage on the site plan .

Ms. Furio said Glen, what is your question, what is the current or what is the proposed ?

Mr. Kassis said I asked both: what is the existing height of the current garage off the ground, and what is the proposed height of both the garage structure.

Mr McClellan said I don't know the existing height of the existing garage. The height over the proposed garage is approximately 2' below what the proposed ridge height is. Our height is at 28' so it looks like the garage is 2' below that- maybe 3'.

Mr. Kassis said the line, if you are looking at the elevation, at 1050 where did you get that number from. Where exactly do you see the ground ? I'm looking at the right elevation.

Mr McClellan asked at the corner of the garage ? On the site plan ?

Mr McClellan said so the garage elevation is going to be 98, so just to the right, the garage elevation is 97.8 and then there is going to be about a 2' high retaining wall.

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Mr. Kassis said you have the ground, you have the retaining wall and then you have the height of the structure. So we have to add 2' to whatever we are estimating the height of the garage. Which you haven't been able to provide us.

Mr. McClellan said without the architectural plan, I don't know what the existing height is .

Mr. Kassis said the concern I have, is that right now you have the 7.1' side-yard, I'm not an engineer, but I'm going to say: less than half of the height of the proposed structure that's going to sit on top of it, and that's going to be only 7.1' away from the property line. Versus a very modest height garage that's there now. So that would in some degree interfere with light, air, viewing from the neighbor on the right much more significantly than it would if it was lower.

Mr. McClellan said yes, it would be a difference going up higher than it currently is.

Ms. Batistic said do you know how much lower the adjacent living space on Magnolia is. What is the 1st floor elevation of this proposed house compared to the house there.

Mr. McClellan said our first floor is 1027 and the street pitch is down pretty good. We go from our left to our right, we are dropping about 5' - the property goes down. I don't know exactly the first floor level of that house but similar sized lot, it would be approximately 5' lower based on how the grade works. I could have stepped it differently when I designed it, but we did not shoot the first survey, the first elevation of the house to the right. But based on the topography it would appear to be lower.

Ms. Batistic said that's also my concern. I know the architect is not here tonight, but on her plan, the adjacent building is shown on the sheet A-0 and that was from some old survey. It scales. It appears about 11' - 12' from the property line.

Mr. McClellan said I'm scaling it at

Ms. Batistic said its not to scale, it's a bit off, close to 30, I think

Mr. McClellan said its about 30. Its 12'

Ms. Batistic said yes 12'. That's already non-conforming. The house that you are proposing to put a 2nd story on is only 7' from the property line. With the adjacent house being so much lower, this will really tower next to it. Again, architect is not here tonight, the area that is going to be above the garage, is bathroom and closet, and I think the architect can really do something and make it more recessed, away from the adjacent, and still be able to achieve the same thing. It may be a little bit smaller than what she is proposing..

Mr. McClellan said I know she did step it down. She did put the roof area over the garage down a few feet from the main ridge

Ms. Batistic said but its still 2 stories, already on an up hill, and you are extending it.

Mr. McClellan said we are going back with the majority of additions with an exceptionally large rear yard- it will be 2 stories in the rear as well.

Ms. Furio said the rear yard doesn't seem to be as much as an issue as the side yard. If you're here already and this structure is going to be here, and its just that much higher than this one. There seems to be options to re-configure, I guess, the 2nd floor so as not to be so wide but pull back and kind of re-configure that space. You can get the same amenity that are required or necessary or that one wants in the same space, but longer rather than wider . There's not a lot of space between the 2 structures. Again being on such a slope, the structure that is below is going to be looking at a lot of house.

Mr. Kassis said to continue my concern on that as well is that ten foot dimensions, for instance, between garages, between pools, and houses are set up for fire safety. To be able to set up ladders and such. Seven foot side yard and having something so tall, and if there was a fence along that property, you couldn't legitimately set up a ladder up there. That poses a safety risk to the inhabitants and the Fire Dept. who is fighting the fire. Its way too tall of a structure to have a 7' side yard.

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Mr. Van Horne said Mr McClellan do you want to confer with the applicant to see if you want to carry this to the next meeting and possibly have the architect''''

Mr McClellan said sure, can we take two.

Mr. Van Horne said sure.

Mr McClellan said we actually have a resolution for this. We actually got approval for this. I don't know the exact reason why we are back- it expired or

Mr. Van Horne said you didn't begin construction within 2 years.

Mr McClellan said OK

Mr. Van Horne said I don't think it was an identical application either.

Mr McClellan said these plans are actually dated 2007 when we had the resolution.

Ms. Furio said so it's the same plan.

Mr McClellan said it's the exact same plan.

Mr McClellan said that Mr. Lumaj (the applicant) biggest concern is that we already had approval for this .

That's why he hired us to do the site plan from the architectural plans that were approved. From the engineering stand point which is to make sure that we took care of the drainage situation and the grading..

Ms. Furio said the previous owner is just a name change ?

The applicant started to speak

Mr. Van Horne said if you want to testify ,sir, you will have to step up.

Mr. Sokol Lumaj was sworn in.

Mr. Lumaj testified that he is the new owner of the property. The plans and everything is exactly the same as was approved in 2007. The only changes to the plan are the seepage pit to collect more water and to build the side drainage that was missing from the last application. But everything else was approved in 2007- everything stayed the same. *Mr Lumaj addressed the garage issue and the side yard of 7' which had not changed.*

Mr McClellan and Mr. Lumaj conferred for about 3 minutes.

Ms. Furio asked is there anyone in the audience for or against the application.

Ms. Diane Khoury said I live in the house at 183 which is right next door. We were here in 2007 with my husband, Steve Stycoth, and one concern was that they were building over the garage and exactly the same plan. One concern we had, was its so close to our bedroom. The windows there would be looking right into our bedroom. The agreement at that time was that there would be no windows on that side. I don't know if that's still there in the plans.

Ms. Furio said no windows.

Mr. Van Horne said Ms Khoury it looks like you also had some concern about the drainage and the water run-off.

Ms. Khoury said yes, my husband had that concern.

Mr. Van Horne said they've addressed that.

Ms. Khoury yes, we heard. I'm not so pleased about the 7'1'' side yard. Is that going for the full length of the house ?

Mr. Van Horne said you can ask questions of the applicant.

Mr. Lumaj described to Ms. Khoury the configuration of the side-yard on the site plan

Ms. Khoury said you mentioned the retainer wall. Where is the retainer wall.

Mr McClellan said its right on the property line- its little over one foot here.

He indicated the location on the plan.

Ms. Khoury said OK. Now the way the garage is and where it is. It's a divider right now between our properties- it looks like its less than you are making it.

Mr. Van Horne said Mr. Lumaj you cannot talk while the witness is testifying.

Ms. Khoury said ... less than 7'

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Mr McClellan said look at the resolution, the last survey, what was, they had 6.9. When we did our survey we came up with 7.1. Two different surveyors always come up with different answers based on what kind of evidence they use when they do field work. I'm very confident that we are correct at 7.1 but another surveyor came up with 6.9 so its very close.

Ms Khoury asked and that wall will be on that property ?

Mr McClellan said everything will be on our property, your property will not be touched.

Mr. Van Horne said the stipulation, Mr. Lumaj, that there will be no windows..

Mr. Lumaj said no windows in that side from the 2nd floor

Mr. Van Horne said which side is that, to be clear.

Mr. Lumaj and Ms. Khoury said the east side.

Ms. Furio asked anyone on the board have any questions or comments regarding the application as presented ?

Mr. Kassis said we are voting on the same thing – no changes ?

Mr. Van Horne said to the application with the stipulation that there will be no windows on the east side on the 2nd floor

Ms Furio said and the drainage and the 1000 gallon seepage pit

Mr McClellan said I think we need about 2200 -2300 gal for the Fire house, we are providing a little over 3000 gallons of storage.

Ms. Furio said would anyone like to make a motion to approve or deny the application as presented with the stipulation that there are no windows on the east side on the 2nd floor.

Mr. Corona made the motion to approve with the stipulations.

Mr. McCord seconded .

Ms. Batistic , Mr. Kassis, and Ms. Schultz-Rummel voted no.

The application was granted 4 to 3

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1338 Lumaj Homes LLC 37 Beechwood Rd B104 L 17

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	26.9 ‘	25.8’	
Side Yard Abutting/Lot	15 ft	10.6’’	15.2’	
Other Side Yard	20 ft	24.3’	24.9’	
Combined Side Yards	35 ft	34.9’	40.1’	
Rear Yard Set Back	30 ft	17.6’	17.6’	12.4’
Max. Livable Fl. Area (FAR) (variable)	30%	18.4%	30%	
Lot Frontage	100’	91.05’	91.05	tech.
Lot Depth	100’	79’	79’	tech
Bldg. Coverage	20%	19.8%	20%	
Impervious Coverage (variable)	30 %	30%%	30%	
Height of Bldg	28’	20.9’	28’	
Lot Area	10,000 sq.ft	8,920 sq.ft	8,920sq.ft	tech

The applicant proposes to construct a new addition.

Mr. Rapaport, architect, was sworn in, and gave his qualifications.

Mr. Rapaport testified he was here to do addition and innovation to existing house.

The lot is undersized because we need 10,000 sq.ft and the lot we have is 8920 sq.ft.So we try to add to the house in a certain way . Because it’s a corner lot, we have to ‘glides’ two front set-backs, which leaves us less room to ‘comprises’ the rest. So the existing survey, I don’t know if you have the copy, but the existing house has on the side only 10.6 side set-back, in the back it has 17.6, to the front it has 31 and 25. What we are proposing over here is to the 10.6 on the side to comply, which means they are going to have 15’ over there. So this an improvement. To the back, we are going to stay with the 17.6. So we are not changing the non-conformity of the back. And to the front, the 2 front set-backs to a Burton Place, and into a Beechwood Rd. will be 25 which is the requirement. Coverage and FAR, we comply. So the only 2 variances that we are asking over here is the sides and back. I’m sorry, its only the back.... We need to have 30, as you know, but since the house is there, so we are using the same set-back and to the side we actually improve the non-conformity.

The way we propose to do it, we will keep the existing, original house, which is a cape-cod style and the garage and the portico, we will remove and rebuild it.....

Ms. Furio said the garage you are pulling out and rebuilding it which is what is going to comply with the side-yard rather than 10.6 you will now have 15.2.

Mr. Rapaport said exactly. Because for the purpose of the project, the garage, not only is not conforming but we cannot use the structure and the portico is on slabs, so we will do it right because we cannot use the existing structure as is.

Ms. Furio said in doing so the Impervious Coverage is now going to be.....

Mr. Rapaport said I didn’t mention the Impervious because right now the existing is slightly over and we gonna comply. So its slight improvement over there but its not major but regardless we will comply.

Let me just mention one more thing. Because we have the siphon over here and the siphon requires the seepage pits, which always when you have a seepage pit that’s an improvement to the whole neighborhood because we collect the water and no run-off into the streets and that’s a better solution for everybody around.

Ms. Furio asked has anyone on the board have any questions or comments regarding the application ?

Ms. Batistic asked you are proposing the patio in the back, but there is an existing concrete patio and it doesn’t say whether its staying or being removed.

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1338 Lumaj Homes LLC (cont.) 37 Beechwood Rd B104 L 17

Mr. Rapaport said so part of the ‘stipend’ because it will be removed. But the new layout will create a little bit of a back yard to the corner and we will use this as part of the back yard.

Ms. Batistic said the new patio will be more set back from the property line .

Mr. Kassis said on the back of this house, which is 17.6, how close is the house next to the property line ?

Mr. Rapaport said we don’t have this information. But, 17.6 is more than any minimum side-yard required, which is 15. Because I know that you are concerned about proximity to adjacent house but we have more than 15 which is minimum side-yard.

Mr. Corona said do you have any idea if the driveway for the house next door is actually on the property line there. Its more of a buffer between the property of the house since you don’t know the ... of the other houses next door.

Mr. Sokol Lumaj was sworn in.

Mr. Lumaj testified the driveway is not at the corner, its more in.....its not really close to that corner. Also its on Beechwood- it stays very clear so there’s nothing to worry about the traffic. Next house is 17’ so they are probably rather like 15 or so...Because that actually their side yard- this is our back-yard but that’s because they face other way. Its about 15’...

Ms. Batistic said the curb cut for the driveway is going to be slightly wider than it is now. Correct ?

Mr. Lumaj said yes.

Ms. Furio asked does anyone else on the board have any questions or comments ?

Mr. Kassis asked any thought been given to possibly bringing that back wall on the 2nd floor back to the plane of the house so it doesn’t stick so close to the back yard.

Mr. Rapaport said this s relatively not a big house altogether its less than 2700 sq.ft house. So this is a modest house so if we didn’t do that, than we cannot- it would make the house much smaller than that. I believe that the 17.6 – because for the next door house that’s their site specific. If we were a site specific we have more than the minimum requirements.

Mr. Kassis said not the front, the rear yard.

Mr. Rapaport said for the adjacent property, it would be their side yard

Mr. Kassis said obviously.

Mr. Rapaport said so from that point of view they have more than 15’ required for the side, although us it’s the rear yard. **Mr. Kassis** said so the answer is, No.

Mr. Rapaport said The answer would be that it would be a hardship for us.

Ms. Furio asked is there anyone in the audience for or against this application as presented ?

Anyone else on the board have any questions or comments regarding the application ?

Would someone like to make a motion to approve or deny the application as presented ?

Ms. Batistic made a motion to approve as presented.

Mr. McCord seconded.

Ms. Batistic said this application will be an improvement, they are proposing a seepage pit and they are also eliminating two variances, one is really minimal, but the side-yard they are making it conforming, and therefore I say ‘yes’.

Mr. Kassis voted ‘No’

The application was granted

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1339 Blueprint Builders

25 Merritt Ave

B28 L 7

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	26.2'	22.7'	2.3'
Side Yard Abutting/Lot	15 ft	8.0'	8'	7'
Other Side Yard	20 ft	13.4'	8.7'	11.3'
Combined Side Yards	35 ft	21.4'	16.7'	18.3'
Rear Yard Set Back	30 ft	48.8'	47.4'	
Max. Livable Fl. Area (FAR) (variable)	35.22%		34.0%	
Lot Frontage	100'	60.04'	60.04'	tech.
Lot Depth	100'	119.02'	119.02'	
Bldg. Coverage	20%	21.9%	22.8%	2.8%
Impervious Coverage (variable)	32.9%	33%	31%	
Height of Bldg	28'	15.4'	27.8'	
Lot Area	10,000 sq.ft	11,649 sq ft		

The applicant proposes to construct an add-a-level with a carport.

Mr. Colin Quinn introduced himself as attorney for the applicant, Blueprint Builders. Witnesses this evening: Mr. Raymond Hartwick, registered architect, who has appeared before this board before, Mr Sean McClellan, engineer from Lantelme, Kurens & Hillsdale who was before this board a half hour ago.

Mr. Hartwick was sworn in.

Mr. Quinn said this is a classic C1-A variance under NJ statute 40 70 55 70 C1-A. Property is narrow, property is irregular, and it is not of the appropriate shape as set forth in the zone plan for Cresskill. I ask that you would consider this application in the context and the variances cited therein in the context of the of the C1-A application. Thank-you.

Mr. Hartwick , please provide the board the benefit of a full review of the application.

Mr. Hartwick testified The property is located at 25 Merritt Ave. on the north side of the street. The property is 11,649 sq.ft ., the zone requirement is 10,000 sq.ft. One of the hardships with this piece of property is the lot width. We're at 60' lot width, where 100' is required for the zone. Presently the house that sits on the property now is a 3 bedroom ranch style home. It has an attached one car garage to the rear. Our plan is to renovate the existing first floor and the 2nd floor. The proposal, that you have before you, is going to end up with a new 5 bedroom home, 3 baths on the 2nd floor and then we are also adding a cover canopy to the front entrance along with the carport on the side of the home.

This application requires 5 variances: the side-yard requirements on both sides is 15'. On the east side, if you look at the site plan, we have an 8' set-back and on the west side we are proposing 8.7. Having said that, on the east side we need to put that existing non-conforming that ... on top of the house that presently exists there. The thing that should be noted is that the house itself is not parallel to the property line, so as you go back the side-yard increases. So we get closer and closer to the back corner, so probably 12'- 13' side-yard back there. The one on the west side which is 8.7', that is the corner of the open carport we are proposing. That structure leads us to the existing garage in the back, and is open on 2 sides. The existing garage in the back is 13.4' and again as you continue back we become conforming at the back of the garage.

Mr. Quinn said before we proceed can we have Mark's, Mr. Hartwick's is referring to Lantelme, Kurens' site plan. We have that marked as A-1. The other set of plans that Mr. Hartwick is referring to in his testimony, is his architectural plans, you may have those marked as A-6. Thank-you council. Mr. Hartwick please proceed.

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1339 Blueprint Builders (cont)

25 Merritt Ave

B28 L 7

Mr. Hartwick said the other variance which is required would be a combination of side-yards that would require 35', we are proposing 16.7'. At the end the same criteria, its only at the east point and as you go back it widens, and on the westward side again it's the open carport. If you look at drawing A-1 here, you can see the width of the open carport is another 12'. So visually someone gonna be able to look through these open columns and not get the side-yard appearance. You also require a front yard of 25', we are proposing 22.2'. At the end, this is an open canopy in the front, you'll be able to see right through to the house. The house itself is conforming and that's at 26.2'.

Mr. Quinn asked what's the purpose of the canopy, Mr. Hartwick ?

Mr. Hartwick said for protection from rain and when you come with packages and things

Mr. Quinn asked is this a typical size of a canopy for a home such as this one ?

Mr. Hartwick said normally I like to go a little bit deeper. Its 3.6' and usually I like to have at least 4.6' – 5' but we didn't want to come too far towards the front, so we pulled it back to what we felt was the minimum what we had. The other thing that we noted is that there is no established streetscape that we are going to be looking at and all of a sudden seeing our canopy projecting out. So when you are on a curve, you are not going to notice it projecting out into the streetscape.

Mr. Quinn said Mr. Hartwick can you please describe the shape and configuration of the property itself.

Mr. Hartwick said its an irregular shaped property. It has a curve along the front. Two side-lines that are not parallel to each other- they get larger as you go to the rear of the property, and then our property is connected from the 2 side-yards to a point in the back on the north side.

Mr. Quinn asked would you consider it an irregular shaped property in the context of the statute ?

Mr. Hartwick said yes.

Mr. Hartwick said and the last variance we are going to need is the Building Coverage variance. 20% is maximum. The existing house is 21.9% and we are proposing 22.8%. What we kept in mind is that Building Coverage number again is- we have a carport which is 251 sq.ft plus we have the entry canopy, So these 2 alternate structures are the ones that are actually driving the building coverage. Then if you look at Drawing A-1, you'll notice, we have been taking down some of the existing building to try and reduce the bulk of the house. The areas that are driving forward, the carport and the canopy, are only one story structures. We tried to keep it to a minimum impact on our neighbors. As far as the carport goes, which is the 8' set-back, as the sun travels it will not cast any shade or shadows on the neighbors as the sun travels around. . On the other side, that is the 8.7, again, if you look at the site plan, you have a driveway that goes there, before the house starts, we have about 32' between that point and the adjacent house. But again I should go back, we have more space between the houses.

Mr. Quinn asked how has the Impervious Coverage of this property been affected by this project ?

Mr. Hartwick said the Impervious Coverage, we reduced it by 2%.

Mr. Quinn asked is it now conforming ?

Mr. Hartwick said yes, it was formerly 34 and we reduced it to 31%.

Mr. Quinn asked how, if at all, has the proposed project affected the streetscape and the neighborhood ?

Mr. Hartwick said with the streetscape, the canopy, itself, is not going to affect the streetscape.

Mr. Quinn asked what, if any, affect this proposed project, when built, have upon the light , air, and privacy of neighbors surrounding the property ?

Mr. Hartwick said I think it will have minimal impact along the west side, because of the way the sun travels. On the east side, again we are starting at the corner here, the powder room, which is 18 minutes enlarges, and

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on that side of the property our neighboring home , as you look at the site plan, has a driveway there before the start of the home’

Mr. Quinn asked what if any steps has the applicant taken to screen the size of the property and protect the privacy of the surrounding neighbors?

Mr. Hartwick said I’m not sure that we have a landscaping plan here. They can speak to that, I think that they have been in touch with the neighbors. But along the west side property line, there is dense foliage that presently exists now.

Mr. Quinn said please describe your particular architectural plans, and the layout to the extent you haven’t completed that.

Mr. Hartwick said typical hall, first floor you walk thru a 2 story entry, dining room to the left, living room to the right (it says entry but it is the living room). Towards the back of the home, you have the staircase going up and down. Kitchen to the left. Off the carport we created a mud room which is accessed from the outside from the carport and also from the interior of the garage. They can get into the home without going outside. On the right side we have the breakfast area, family room, laundry and powder room on the first floor, and we have a deck to the rear also. If you notice on the site plan also, we’ve pulled the deck back about 8’ also. It was a much bigger deck, so from the area where we took down one-story structure, we also reduced the encroachment to the back, so we’re giving a larger rear-yard to the home. On the 2nd floor we have 5 bedrooms, 3 baths. As you come up to the top of the 2nd floor staircase, we have an overlook into the entry and then we have the 5 bedrooms. One thing to be noted is the carport over here has only one story. This area in the back is set much further back...the existing garage is one story and the rest of the house is 2 story. The exterior of the home is going to be a combination of ‘hardy plank’ and stone.

Mr. Hartwick displayed a color rendering of the front elevation. It was marked A-3.

Mr. Quinn said Mr. Hartwick, I’m going to show you a series of photographs and ask you if you are familiar with these photographs.

Mr. Hartwick said yes, I am. This is a pictures of the existing house as it exists today on the property. *The photographs were marked A-4. The 6 photos were circulated among the board.*

Mr. Quinn said Mr. Hartwick, please describe to the board how, if at all, this particular project will affect the intent and purpose of the Cresskill Zone plan and the Cresskill Zoning ordinance.

Mr. Hartwick said I think it goes with the intent of the Zoning plan and the ordinance. Its requesting a number of variances. The variances themselves are really not that difficult to reach. The Front-yard set-back, as we look at the front elevation, you can see the open canopy, you can see right through to the home. Again, the west side side-yard you have that open carport that you are going to be able to look thru, between the shade and shadows, back to the garage. By the time we get back to the garage, we are almost conforming at 13.4’. And then, this corner here, is the 8’ side-yard set-back on the east side, and again that’s only for a small portion because its not parallel to the property line, so as we go back we have a much wider side-yard. Again on this side, there is the driveway before the house, so we do have decoration, there is dense foliage on the west side. The building is just a little bit over on the Building Coverage, I don’t think it has a measurable impact on the neighboring property. One of the things, that we don’t drive thru the neighborhood, while the home is now starting to change over . Most of them are ranches, many people are adding 2nd floors, so I think this will fit in nicely with the way the neighborhood is now progressing.

Mr. Quinn said in your opinion, does this particular project enhance the aesthetic of the vantage point of the home from the street.

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Mr. Hartwick said yes, I think this has much more curb appeal and I think this will be a welcome addition to the streetscape. Its negative impact is minimal. I think that the neighbors..

Mr. Quinn said is improvement of the aesthetic vantage point, one of the goals of the Land-use law ?

Mr. Hartwick said yes.

Mr. Quinn said is this particular project, in your estimation, meet those goals in that fashion ?

Mr. Hartwick said yes.

Ms. Furio said does anyone on the board have any comments or questions regarding the application ?

Mr. McCord said I have a question about the carport. Is there a roof over the carport ?

Mr. Hartwick said yes, there is a single story roof over the carport, but often there are 2 cars in the front and trees growing on the side, *Mr. Hartwick described / explained the photograph*

Mr. Hartwick said the carport itself is 20.8' of open space before the solid wall of the garage. The side of the house is 43' so we're almost 50% open on the side there.

Mr. McCord asked how wide are each of the posts on that side of the carport ?

Mr. Hartwick said sides of the posts or space between them ?

Mr. McCord said sides of the posts.

Mr. Hartwick said 6 by 6 posts. Probably when finished 8 by 8

Mr. Kassis said, maybe I have an incomplete drawing. 8.3, from left side elevation.....

Mr. Hartwick said this should actually be the right side elevation.

Mr. Kassis said is there anything else missing on that drawing because they have a 45' wide structure there with two 30" windows. No windows on that entire side, nothing ? If we go back to the other drawing..

Mr. Hartwick said if you look at the 2nd floor plan, we are not going to be putting windows on here encroaching on the neighbor. So really, there will just be windows on the 1st floor. If the board wants, we could add a couple of small windows on either side of the bed in the back..

Mr. Van Horne asked 2 windows on which side ?

Mr. Hartwick said it could be the right side in the master bedroom.

Mr. Van Horne asked east or west ?

Mr. Hartwick said it would be on the eastern side.

Ms. Furio asked anyone else on the board have questions regarding the application ?

Is there anyone in the audience for or against the application ?

Mr. Robert Kurgh, 21 Merritt Ave, said I'm on the east side of the house being proposed to be built.

I live in a Ranch.

Mr. Quinn said before we proceed with Mr. Kurgh testimony, I do have our engineer here as well. If there are engineering questions, Mr McClellan will address and number them, at least.

Mr. Van Horne said, Mr. Kurgh, you can make a statement, and you can also ask a question of this witness.

Mr. Kurgh said I would like to make a statement first of what has transpired already:

On October 8th, the builder leveled all the bushes on my side , 5 ' to 10' into my property. The bushes were for drainage and they were also like a wind-break. They were all leveled. I went down on the ninth, to the Building dept., John Casper took the reproach and he has gone to the builder and asked him to get back to us. On the fifth we got the letter, we didn't hear from John, we called him again in mid November. He said that those that hadn't gotten back to him with that and he told us, my wife and myself, that he was looking at doing a Stop- Work order. He didn't contact us. They finally got us a day or two before Thanksgiving, and the one thing

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that I have noticed, in the last 2 storms, -and if you live in Cresskill, you know they haven't been too bad- I now get a lot of ponding on my side where they have ripped out the bushes.

Mr. Van Horne said Mr. Kurgh that is not relevant to this application. You may have recourse against the builder in Civil court. There may be violations that will be issued by other departments, but if you could really just stick to the issues..

Mr. Kurgh said the issue becomes drainage. I've heard previous ones before that was a problem with drainage. I haven't heard anything about what they are doing...

Mr. Van Horne said that will be for the engineer

Mr. Kurgh said OK. That house was the worst getting flooded out from all the neighbors. So I'd like to know something was going to happen with the drainage which is an issue.

Mr. Van Horne asked anything else ?

Mr. Kurgh said the east side of their house, I have a bedroom, that's where all the bedrooms are. I have my daughter's bedroom on that side. I got a concern about going up straight. If there is a way they can go in a little bit- just to conform to the 15'. It blocks sunlight and I have a screened-in porch back there, all my privacy has been gone with the bushes gone.

Mr. Quinn asked have you seen this picture here ?

Mr. Kurgh said he had not.

Mr. Quinn showed the picture to Mr. Kurgh

Mr. Kurgh said he would be facing that view. But still I have a screened-in porch, it will block my sun.

Mr. Quinn said relative to the windows what you are saying ?

Mr Kurgh said that side has no windows. The 2nd floor has no windows, I can deal with that

Mr. Hartwick said we didn't put no windows because we didn't want to be looking into the neighbors.

Mr. Van Horne said we thought there was a stipulation that you were going to add 2 windows.

Mr. Hartwick said only if the board wanted it but our reasons behind not putting them was since we are asking for a side-yard, we wanted to maintain as much privacy for them as possible.

Mr. Kassis said you are the one looking at that so..

Mr. Kurgh said no windows is one thing but I rather not have as much of my sunlight blocked out because its facing west and I do all my stuff outside and its going to take away from the light that I get.

Mr. Van Horne asked anything else, Sir ?

Mr. Kurgh said yes, the other thing. Rudy mentioned to me before that they were going to do a stipulation for my bushes, correct ? The attorney would do that ?

Mr. Quinn said yes, we'll actually do that. We have spoken to you before to stipulate for putting whatever the appropriate green screening is- Arborvitae or Cyprus. I think that's agreed upon between yourself and the applicant as to how to accomplish that. There is a 6' fence going up, and also on your side of the property, my client...

Mr. Kurgh said the 6' fence will block the window on the first floor, right ?

Mr. Quinn said I assume it would, but I defer to the architect.

Mr. Hartwick said 2' going up, so you are probably going to block the lower half of the window- not completely block the window . The other thing I'd like to mention is along his side we have 32' between the closest point- this point here and his house. Typical side-yard to side-yard you are looking at 30' between the houses.

Ms. Furio asked and you have ?

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Mr. Hartwick said 32.4, the engineer gave me that number. Typically in this zone, you are looking at 30' between the houses.

Mr. Kassis asked there will be a 6' fence all the way around the whole property ?

Discussion among the applicants

Mr. Hartwick said my client said it's going to start at the back of the house, the 6' fence, from across and go around the back corners of the house. The fencing itself is not going along the sides of the house.

Mr. Kassis said so it has nothing to do with the windows.

Mr. Hartwick said they just mentioned that they are going to put the fence in back here. There are 2 small windows. One is the hallway and the other one is in the powder room so its not a used area that often so – that hallway is only used to get into the laundry and then to the powder room- its not as if it's a Family room. So this is just to bring a little bit of light into the Powder room and also bring a little bit of light into the....

Mr. Kurgh said on this first floor

Mr. Hartwick said just on the 1st floor. Send floor has zero windows. So, you would not have anyone looking into your daughter's bedroom.

Ms. Furio said anymore questions or comments from the board ?

Mr. Van Horne asked Mr. Kurgh are you finished.

Mr. Kurgh said yes.

Mr. Van Horne said if you want to ask your questions to the engineer if he doesn't address the issue in his testimony, you can ask him.

Mr. Kurgh said about the drainage ?

Mr. Van Horne said yes.

Mr. Quinn introduced Mr Sean McClellan, engineer from Lantelme, Kurens & Hillsdale who was before this board earlier this evening for another application.

Mr. Sean McClellan was sworn in.

Mr. Quinn said Mr, McClellan you have heard the testimony from Mr. Kurgh regarding the drainage on the proposed project. Please, for the benefit of the board, and Mr. Kurgh. describe very specifically how the drainage is being addressed on this site. If in fact this project is approved.

Mr. McClellan testified the first thing we are doing is lowering the Impervious Coverage which allows a lot more water to permeate into the ground. The second thing we are doing is applying two 1000 gallon Seepage pits. The way the current house is, is the water runs off the roof down thru the leaders and just runs off onto the ground off the property . So what we are going to do is collect all that water from the roof, We are going to put it into two seepage pit, where it will permeate the ground and the water table.

Mr. Quinn said can you describe where the seepage pits will be located on the property.

Mr. McClellan described the location of the seepage pits.

Mr. McClellan said the capacity for this house is approximately 3300 gallons. The two 1000 gallon seepage pits and the stone boards below them will be providing over 3800 gallons. So we'll have more than enough capacity to handle the entire works.

Mr. Quinn asked how will the leaders and gutters be tied to the seepsge pit.

Mr. McClellan said there will be group leaders all around the house coming from various ways around the property and they will go into the seepage pits.

Mr. Quinn said can you describe to the board the slope of the property and how that may affect how the drainage works.

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Mr. McClellan said it mildly slopes from the front of the property to the rear. It appears there is some kind of drain in the rear. With the introduction of seepage pits will be lessening the amount of water that goes to the backyard.

Mr. Quinn said can you tell the board a little more what that drainage is in the rear of the property.

Mr. McClellan said it appears on the Tax map that there might be a 10' easement on that property line.

If you have a copy of the Tax map which shows a 10' easement, which I believe is a drainage easement.

Mr. Quinn asked will there be during the course of construction, if this project is approved, be an appropriate grading and firming of the property to ensure that any and all water remains on site and is diverted to seepage pits.

Mr. McClellan said yes. All group leaders go to the seepage pits and then, in the rear of the property, they will continue to drain further back than they do now.

Mr. Quinn said Mr. McClellan, please, for the benefit of the board, you heard Mr. Hartwick's testimony this evening, please can you describe any other aspects of the variances that were not previously covered in his testimony.

Mr. McClellan said even though we are increasing the Building Coverage we are lowering the Impervious Coverage. By that it helps the drainage situation by : with a larger foot-print of the building you collect more water and that goes into the seepage pits. Things like driveways and patios and decks that don't really get caught –there is less of that, so there is more grass area for permeating the ground.

Mr. Quinn said by reducing the Impervious Coverage you've actually improved the Drainage capability of the site.

Mr. McClellan said right. Even if we were to put no seepage pits in, we'd be improving the drainage situation.

Mr. Quinn asked In the proposed application what part of the building has been reduced in order to shrink the Impervious ?

Mr. McClellan said there is a little section grayed out on the plan- that part of the house will be coming off.

Mr. Kurgh asked will it impact the Water-table ?

Mr. McClellan said slightly. You have a little more water going towards it than you had before. The size of the Water-table, for what we are putting in there might be about a quarter inch. There's no way to know how much we are raising the Water-table but it might be a very small amount.

Mr. Kurgh asked do you know what the size of the proposed building is going to be.

Mr. McClellan said the proposed dwelling is cut including the carport, including the front porch is 2,080 sq.ft

Mr. Quinn said your table on Applicant's exhibit A-1 , Building Coverage was 21.9, and the increase is to 22.8 or 0.9%

Mr. McClellan said Correct

Mr. Quinn said Madam Chairwoman I'm ready to present my witness for cross-examination or examination by the public

Ms. Furio said could you please re-iterate what the square footage of the house was again.

Mr. McClellan said the dwelling plus the covered porch is 2,080 sq.ft. The carport is 252, the deck is 320 for a total Building Coverage of 2652.

Ms. Furio asked does anyone on the board have any questions for the engineer.

Ms. Batistic asked that small open porch on the east side will be removed ?

Mr. McClellan said correct. So, I actually had that in my calculations that it was staying- that further reduces the Impervious Coverage to a little less than 31%.

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Ms. Furio asked has anyone on the board with questions or comments ?.

Is there anyone else in the audience ?

Would someone like to make the motion to approve or deny the application as presented ?

There is someone else in the audience.

Mr. W. Wymer of 38 Maple St said he lives adjacent to 25 Merritt.

Mr. Van Horne said state your full name

Mr. Wymer said W. Wymer at 38 Maple St. I have a few questions. I spoke to the Builder today. I got the phone number from the drawings. I went over the drawings today. I think overall the structure, the house will be an asset to the neighborhood. Across the street is a two story house which came out pretty good. There is somebody occupying it already- its just finished. In the neighborhood there are a lot of two story houses going up- new houses. I think it is going to upgrade the neighborhood. Now, this particular property, the guy never mowed his lawn in the back for I don't know how many years and never trimmed their hedges, and I trimmed the hedges myself. I've been trimming them for 50 or 60 years. I missed those hedges because the contractor said that they want to clean up the place and it was such a mess. He took out small trees, some were dead. He did a good job cleaning up but he took my evergreens out which were at the end of my wall on his property So I got a little upset. I came back and my bushes were gone. So I looked over the property and saw a big pile of dirt- they had cleaned the whole place up, So when I spoke to the builder today I said: you know I brown cuted my wall. I put my wall up in 1954, because the sewage system at that time was not in Cresskill, and we had Septic tanks. The septic tanks were over-flowing and they were right down between the properties. I had children playing outside and its not very healthy. So for safety, health and welfare, I had a wall put up, 4' high, and I carved the inside with a.... and put California stucco on it. Its white, its beautiful. I have washed it every year. It comes out nice every time I wash it. So I told the builder if you want put California stucco on your side of the wall. He said I will. So I think its going to upgrade the neighborhood because its quite a breath of fresh air from what it was before. It was a mess before. OK ? That's all I have to say unless someone has a question.

Ms Furio asked have seen the picture of what its going to look like ?

Mr. Wymer said yes I have. I went over the plans today. I was assistant chief Building Inspector in Paramus for a number of years. So I know a little about construction, and I think its going to be an asset to the whole neighborhood.

Ms. Furio and Mr. Van Horne thanked Mr. Wymer.

Mr. Quinn said Madam Chairwoman, I spoke to my client about the comment just made by the neighbor and my client will create a stipulate to replace the evergreens to his liking and he will work directly with the gentleman to make sure that its to his liking and that it will be appropriately screened.

Ms Furio asked anyone else have any questions or comments ?

Mr. Kassis said I have comment s regarding the carport. You have a garage, a driveway. You will be encroaching that much closer to the front of the property line. I don't see a hardship for it, or a reason for that.

Mr. Quinn said we will certainly address it, but I think the hardship runs with the property. The 60' frontage in a 100' zone is clearly within the confines of the statute. This is a pentagon shaped property, its 5 sided, its clearly not a 4 sided quadrangle like most properties are. So, on that basis alone, on the basis of shape , it also fits the criteria of the statute. So that those are hardships. With respect to the carport itself, I have Mr. Horowitz testify to that but my client knows that by driving around the neighborhood. Its been done at another location and looks outstanding. There is a one car garage on the site. This will be a 5 bedroom home. Its an opportunity

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to create another parking venue without having cars to stay in the driveway. I think the architect will testify specifically, I don't want to testify for him, I just wanted to respond to your comment.

Mr. Horowitz said the important thing to keep in mind, the most important thing is conclude the alternate. So, the measurement of the side-yard is just a column going up the rest of it is open, you can look all the way to the wall of the house which is 13'. The house itself is conforming. It should be located also ...On the site plan you can see that the house itself is set back. The deck is one story, low roof, open as much as possible with the columns. One of the things also is we have an entrance to the Mud-room to provide protection. When they pull in, they have their car or they get out when its raining. In the mud-room they are under cover. I think also to keep in mind is with the way the sun goes, the structure is not gong to be casting any shadows on the neighbors. So I think it will have a minimal impact on the neighbors on the west end.

Mr. McCord said I am having difficulty visualizing what the roof will look like. Are you basically taking the same roof from the garage and just extending it out ?

Mr. Horowitz said no. If I was to continue the roof from the garage it would be a flat roof. It would not fit in with the design of the home. *Mr. Horowitz described the design of the carport in detail.* So it is going to look like it was designed as part of the house and not just a shed structure that was just put off to the side.

Mr. McCord said the garage roof is the same height basically so you won't see anything beyond that ?

Mr. Horowitz said yes...Look from the front and you are not going to see the roof of the garage.

Ms. Furio asked any other questions or comments from the Board ?

Would someone like to make the motion to approve or deny the application as presented ?

Mr. McCord made the motion to approve.

Ms. Batistic seconded

Mr. Kassis and Ms. Schultz-Rummel voted no.

The application was granted

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Memorialization

1335 Ohad Ashkenazi 67 Cedar Street B 54.01 L 71-72

Description	Required	Existing	Proposed	Variance
Impervious Coverage	Variable 35%	41.5%	48.64%	13.64%
Driveway Encroachment	10' min.from Side Yard	10'	2.16'	7.84'

The applicant was granted the above variances to expand his driveway.

1336 Norval Properties 285 Brookside Ave. B192 L 93

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	30.6' Brookside 32.8' Woodland	25.9' Brookside 32.8' Woodland	
Side Yard Abutting/Lot	15 ft	15'	21.5',	
Other Side Yard	20 ft			
Combined Side Yards	35 ft			
Rear Yard Set Back	30 ft	16.4'	15.2'	14.8
Max. Livable Fl. Area (FAR)	Variable 30%		34.8%	4.8%
Lot Frontage	100'	195.96	195.96	
Lot Depth	100'	71.6'	71.6'	tech
Bldg. Coverage	20%	20.4%	18.6%	
Impervious Coverage	Variable 30 %	27.5%	29.8%	
Height of Bldg	28'	21.6'	28.0'	
Lot Area	10,000 sq.ft	8,541 sq.ft	8,541sq.ft	tech
Retaining Wall	4'		4.65'	.65'
Lot Width		111.29	111.29	

The applicant was granted the above variances with the provision that: the slider and the patio will be behind the Family room, instead of behind the dinette

The ZBOA meeting was adjourned at 10:20 :47 pm

