

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 8 pm  
Minutes July 25, 2019**

**Page 1 of 9**

Present: Ms. Batistic, Mr. Cleary, Ms. Furio, Mr McCord, Ms. Schultz-Rummel,  
Ms. Westerfeld, Mr. Jack Van Horne (Board Attorney), Ms. Bauer (recording secretary)

Absent: Mr. Corona, Mr. Kassis,

The meeting was called to order at 8:00 pm.

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

Minutes of the June 27, 2019 meeting were approved. (Ms. Schultz-Rummel, Mr McCord)

**Applications**

<b>1346 Kadri Mirzo</b>	<b>91 Hillside Ave.</b>	<b>B 76 L 55</b>		
<b>Description</b>	<b>Required</b>	<b>Exists</b>	<b>Proposed</b>	<b>Variance</b>
Front Yard Set Back	25 ft		80.7'	
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>		<b>11.07'</b>	<b>3.93'</b>
<b>Other Side Yard</b>	<b>20 ft</b>			
Combined Side Yards	35 ft		37.32	
Rear Yard Set Back	30 ft		128.09'	
Max. Livable Fl. Area (FAR)	30%		48.96%	<b>18.96%</b>
Lot Frontage			100'	
<b>Lot Depth</b>	100'		293.5'	
Bldg. Coverage	20%		13.11 %	
<b>Impervious Coverage</b>	<b>30%</b>		<b>70.41%</b>	<b>40.41%</b>
<b>Height of Bldg</b>	<b>28'</b>		<b>30.30'</b>	<b>2.30'</b>
<b>Lot Area</b>	10,000 sq.ft		29,351.95sq.ft	
<b>Min.Driveway side-yard</b>	<b>10'</b>		<b>2.76'</b>	<b>7.24'</b>

**The applicant proposes to construct a new single family home.**

He requires approval for FAR and Height. He will apply for the other variances at the Planning Board.

This application was carried from the May 23, 2019 ZBOA meeting at the request of the applicant

This application was carried from the June 27, 2019 ZBOA meeting at the request of the applicant

The applicant did not attend the meeting. The application was carried.

**Ms. Furio** explained to members of the audience that the applicants can carry an application 4 times.

**Please see next page**

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 8 pm  
Minutes July 25, 2019**

Page 2 of 9

<b>1348</b>	<b>Limor &amp; Yaniv Ben-Asher</b>	<b>206 8<sup>th</sup> St..</b>	<b>B 33</b>	<b>L 349-351</b>
<b>Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance</b>
Front Yard Set Back	25 ft			
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>ENC.Deck 11.5'</b>	<b>Stairs 8.5'</b>	<b>6.5'</b>
Other Side Yard	20 ft			
Combined Side Yards	35 ft			
Rear Yard Set Back	30 ft			
Max. Livable Fl. Area (FAR)	34.86%			
Lot Frontage	100'	65'		
Lot Depth	100'	100'		
<b>Bldg. Coverage</b>	<b>20%</b>		<b>24.2%</b>	<b>4.2%</b>
Impervious Coverage	30%			
Height of Bldg	28'			
Lot Area	10,000 sq.ft			
Driveway	10'			

**The applicants propose an expansion of the existing deck**

This application was carried from the June 27, 2019 ZBOA meeting in order to provide additional information.

**Robert Silarski** (Principal of S&Co) introduced himself as the architect for the project. He is here tonight on behalf of the applicants, Limor & Yaniv Ben-Asher.

**Mr. Silarski** was sworn in.

**Mr. Silarski** testified that the Ben-Asher's have temporarily relocated to Israel. Mrs Ben-Asher's parents are in poor health and they would like to spend some time with their children, Mrs. Ben-Asher's grand children over the next year or so. In the meantime Mr. Ben-Asher made modifications to an existing deck on his property which resulted in the requirement of 2 variances: one for Side-Yard, 15' required, the existing condition was 11.5' from the Property Line and Mr. Ben-Asher made modifications, reducing that 11.5' by means of a stairway to 8.5', therefore a variance of 6.5' Side Yard variance was required. By modifying the deck, he also increased the Building Coverage, allowable is 20%, currently its 24.2%, therefore an increase of 4.2% over the allowable Building Coverage. Mr. Ben-Asher made the modifications without permit. I have spoken to Bob Rusch, the Building Inspector. It is our intention to document the deck. To make sure it complies with code, pending while whether this Board grants the variances that are necessary. I do have some photographs in case some members of the Board are not familiar with the property.

**Mr. Silarski** presented the photos to the Board. They were marked A-1, A-2, A-3.

**Mr. Silarski** said in the lower photograph (A-1, the deck) to the left you will see the platform to the stair, you can see the difference in the lumber color. The 2<sup>nd</sup> one (A-2) shows the stair going down to grade. The property has 2 different grade levels, that are about 8' apart, we are talking about the upper portion of grade, and you can see the platform and the stairs that impinge on the side-yard. That's the additional impingement, the original

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 8 pm  
Minutes July 25, 2019**

**Page 3 of 9**

**1348 Limor & Yaniv Ben-Asher (cont.) 206 8<sup>th</sup> St.. B 33 L 349-351**

deck impinged on the existing side-yard by a total of 3.5'. The new stair impinges on that side-yard an additional 3', total of 6.5'.

**Ms. Furio** said because of the severe drop-off.

**Mr. Silarski** said correct. The options for the location of the stair are limited to the point, where that's about the only place you can put it.

**Mr. Van Horne** said could you go over why its necessary to locate the stairs there.

**Mr. Silarski** said due to the grade of the property. The property is exceedingly steep, and it has been divided into 2 separate levels. The upper level, where the house is situated, is exceedingly narrow, that is, it wouldn't be possible to add a stair better point 90 degrees from where the stairs is shown.

**Ms. Furio** asked narrow front to back ?

**Mr. Silarski** said narrow front to back –yes.

**Ms. Furio** said so the house fits on much of the upper,,,

**Mr. Silarski** said much of the upper tier as possible.

**Ms. Furio** said as possible and the deck starts to...

**Mr. Silarski** correct.

**Ms. Furio** said so the new deck encompass the old staircase.

**Mr. Silarski** said correct.

**Ms. Furio** said so that is why it is 3' and another 3' for the other 5 or 6 stairs heading down. Extra and extra 6' wide

**Mr. Silarski** said no, an extra 3' wide. The deck was added to previously, again without grace of a permit, and subsequently the stair was added. So the Building Inspector did what he needed to do in terms of measuring the previous addition, which was undocumented, as well as the new stair which was undocumented

**Ms. Furio** said which is why the color of the lumber is different.

**Mr. Silarski** said that is correct.

**Ms. Furio** asked when was that staircase added ?

**Mr. Silarski** said it is my understanding that that staircase was added in the spring of this year.

**Ms. Furio** said and the deck was put up ?

**Mr. Silarski** said the extension of the deck was done last year.

**Ms. Furio** said about a year apart. So there are 2 tiers and that staircase goes down into the backyard.

**Mr. Silarski** said it accesses the upper level of the backyard. In order to get to the lower level of the backyard, you need to go down the stairs, across the property, and then down a 2<sup>nd</sup> set of stairs.

**Ms Furio** said so there is another set of stairs on the other side of the property going down.

**Mr. Silarski** said to get to the lower tier.

**Ms Furio** asked is it attached to a deck or just a set of stairs ?

**Mr. Silarski** said no, its just a set of stairs.

**Ms. Furio** asked how many stairs is that, another 5 or is it a full case ?

**Mr. Silarski** said it's a full staircase- it traverses about 8'. Its about 14 steps. But that has been in place for some time.

**Mr. McCord** said I know you were not here the last time.

**Mr. Silarski** said no, I was not.

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 8 pm  
Minutes July 25, 2019**

**Page 4 of 9**

**1348 Limor & Yaniv Ben-Asher (cont.) 206 8<sup>th</sup> St.. B 33 L 349-351**

**Mr. McCord** said I believe Mr Ben-Asher represented the purpose of this stairwell, that we are here to talk about tonight, was basically access to the deck from the ground. However, it appears from your picture that the deck is actually level with the ground, over here next to the garage.

**Mr. Silarski** said yes, it is level with that ground.

**Mr. McCord** said we had asked him last month, why he didn't just build the stairwell next to the garage, now I can understand why- because it is level. So there is no need necessarily for a stairwell.

**Mr. Silarski** said in order to get down to the grade above which the deck is built, you would have to have a stair. In order to get down to the level in order to access the lower tier you would have to have a stair.

**Ms. Furio** showed photo to Mr. McCord.

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

Anyone on the board have any questions regarding the necessity of the staircase to access the ground level from the deck?

**Ms. Furio** said would someone like to make a motion to approve or deny the addition of the staircase ?

**Ms. Batistic** made the motion to approve the addition of the staircase.

**Mr. Cleary** seconded.

**Ms Batistic** said I am for the motion because it is clearly a hardship in order to access the backyard they need a stair, and this is the best location for the stairs. The set-back to the stairs which at the upper level is really at the ground level. There is no structure that sticks above the ground, that would minimize air and light of the neighbors. So that's why I vote Yes.

**Mr. McCord** voted No.

**Ms. Schultz-Rummel** voted No.

**The application was granted.**

**Mr. Silarski** asked that's the 2 variances for the Side Yard Set-back and Building Coverage ?.

**Ms. Furio** said correct.

**Please see next page**

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 8 pm  
Minutes July 25, 2019**

Page 5 of 9

**1349 Jesus & Mildrey Arozamena 181 14<sup>th</sup> St. B 126 L 410.01**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	24.82'	25'	
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>9.85'</b>	<b>9.85'</b>	<b>5.15'</b>
Other Side Yard	20 ft	11'	11'	9'
Combined Side Yards	35 ft	20.85'	20.85'	14.15'
Rear Yard Set Back	30 ft	62'	50'to Deck	
Max. Livable Fl. Area (FAR)	36.12%	26%	31.9%	
Lot Frontage	100'			
Lot Depth	100'			
<b>Bldg. Coverage</b>	<b>20%</b>	<b>21.25%</b>	<b>21.25%</b>	<b>1.25%</b>
Impervious Coverage	33.4%	30%	33.1%	
Height of Bldg	28'	23'	28'	
Lot Area	10,000 sq.ft			
Driveway	10'			

**The applicants propose to construct a deck and add-a-level**

A copy of the ad in the Record was submitted to the board, and 2 letters that were not delivered.

**Mr. William Figdor**, architect for the application, introduced himself.

**Mr. Jesus Arozamena, Mrs. Mildrey Arozamena and Mr. Figdor** were sworn in.

**Mr. Figdor** testified we are proposing a 2<sup>nd</sup> floor addition within the existing foot-print of the house.

That calls for a variance on the right side of the house due to existing conditions non-conforming. That existing and proposed right yard set-back is 9.85', we need a variance of 5.15'. That will remain the same.

When applying for the application, the Building Department recommended that we also memorialize the Building Coverage, which we are not changing. Memorializing it to 21.25% , that's what is existing now and it won't change. We tried to look at other options, but the foundation was where it is. It would not have made the house look very nice, and also would not have made the layout work as well either.

**Mr. Van Horne** said neither side-yard is changing and the Combined Side-Yard is not changing.

**Mr. Figdor** said that's correct.

**Ms. Furio** said so everything is existing. So all the variances are in their current state and you are not changing them.

**Mr. Figdor** said that's correct.

**Ms. Furio** said this is an add-a-level and a deck, and you are just going up and in the back.

**Mrs. Arozamena** agreed.

**Mr. Figdor** said yes. The left side we are not even going up there. Its where the garage is on the left, there's a kitchen behind that's staying.

**Mr. Figdor** said we already have 2 bedrooms and a bathroom on the 2<sup>nd</sup> floor, we're just really going to expand further back to the extension they had already from the sixties and open up to the front .

**Ms. Furio** said so everything is remaining the same, you are not adding to the sides of the foot-print, you are not impinging on anything else that is currently there.

**Mr. Figdor** said that's correct.

**Mr. Van Horne** asked what is the height of the 2<sup>nd</sup> floor on the right side of the house now ?

**Mrs. and Mr. Arozamena** said 23'.

**Mr. Van Horne** said and you are going to take it up to 28'

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 8 pm  
Minutes July 25, 2019**

**Page 6 of 9**

**1349 Jesus & Mildrey Arozamena (cont.) 181 14<sup>th</sup> St. B 126 L 410.01**

**Mrs. and Mr. Arozamena** said yes.

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

**Ms. Batistic** asked do you know what the distance to the neighbor's house is- to the right ?

**Mr. Figdor** *searched his documents.*

**Ms. Furio** said there is nothing over the garage. The garage remains the same at one level ?

**Mr. Figdor** said yes.

**Ms. Furio** asked the deck is coming off the back by the kitchen, by the garage side ?

The garage, the kitchen and the deck.

**Mr. Figdor** said the garage is in front and the kitchen is behind and then the deck.

**Ms. Westerfeld** asked is there more than one deck ?

**Mr. Figdor** said just one deck.

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

Anyone on the board have any questions or comments based on the plan ?

**Ms. Batistic** said still waiting for an answer to the distance to the house next door.

*The applicants discussed where that information could be.*

**Mr. Figdor** said I got it 25.4'. from house to house.

**Ms. Batistic** said so the neighbors have a 15' set back to his house.

**Mr. Figdor** said yes. The neighbor's lot is wider than ours 75' or 85'.

**Ms. Furio** asked 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 ?

**Mr. McCord** made the motion to approve

**Ms. Schultz-Rummel** seconded

**The application was granted**

**Mrs. Arozamena** asked do we have to come back next month (for the Memorialization)

**Ms. Furio** said no. After the next meeting, after we read it into the journal, you can come and pick up your permit and start work.

**Please see next page**

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 8 pm  
Minutes July 25, 2019**

Page 7 of 9

**1350 Steve Eng & Lucilla Chan**

**296 Brookside Ave**

**B 193 L 1**

Description	Required	Existing	Proposed	Variance
Front Yard (Brookside)	25 ft	30.9'	25.9'	
Front Yard (Deacon)	25 ft	31.8'	31.8'	
Side Yard Abutting/Lot	15 ft	28.5'	28.5	
Other Side Yard	20 ft			
Combined Side Yards	35 ft			
<b>Rear Yard Set Back</b>	<b>30 ft</b>	<b>11.5' to deck 21.5' to house</b>	<b>11.5' to house 20' to dormer</b>	<b>18.5' ENC 10'</b>
Max. Livable Fl. Area (FAR)	30%	15.4%	20.2%	
Lot Frontage	100'	136.02'		
Lot Depth	100'	79.75'		
Bldg. Coverage	20%	17.8%	19.45%	
Impervious Coverage	30%	27.1%	28.05%	
Height of Bldg (Brookside)	28'	21' 10"	22' 7"	
Height of Bldg (Deacon)	28'	21' 10"	23' 10"	
Lot Area	10,000 sq.ft	10,280 sq.ft		
Driveway	10'			

**The applicants propose to rebuild an existing deck (destroyed by tree damage) at the same location, and add a rear dormer to the 2<sup>nd</sup> level.**

**Ms. Chan** was sworn in.

**Ms. Chan** testified on Nov. 14<sup>th</sup> my house had a tree that fell through my 2<sup>nd</sup> floor and into my 1<sup>st</sup> floor, crossing the roof and most of the 2<sup>nd</sup> floor. So now I am asking for variances to repair the house, mainly the 2<sup>nd</sup> floor, as well as the deck that is smashed. My property is existing non-conforming, so the deck as well as the house. We are trying to build the 2<sup>nd</sup> floor dormer to repair.... after repair deck, but the rear yard requires 30'. The deck is 11.5' to the property line. When I rebuilt the 2<sup>nd</sup> floor, I'm asking to extend a little bit so that it has a more even shape and its 21.5' for the rear dormer to the property line.

**Ms. Furio** said that was existing. There is the 'Existing' column and the 'Proposed' column. So the deck, it says 11.5' to the deck, and in the 'Proposed' it says 11.5' to the house. In the 'Existing' it says 21.5' to the house and then 20' to the dormer.

**Ms. Chan** said am I reading this right? I'm sorry

**Ms. Furio** asked are you rebuilding the deck to the same size that it was?

**Ms. Chan** said yes

**Ms. Furio** said you are just fixing the broken timbers and the smash and making it the same size...

**Ms. Chan** said the whole thing is gone, so yes.

**Ms. Furio** said you intend to put it back the same way it was.

**Ms. Chan** said yes.

**Mr. Van Horne** said so it will be 11.5' from the rear yard?

**Ms. Chan** said yes for the dormer.

**Ms. Furio** said you had a dormer there previously. The tree took it out. So you are just putting it back?

**Ms. Chan** said no, I did not have a dormer. I'm trying to save as much of the roof for money sake and then I'm adding the dormer where the hole kind of came through.

**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 8 pm  
Minutes July 25, 2019**

**Page 8 of 9**

**1350 Steve Eng & Lucilla Chan (cont.)      296 Brookside Ave      B 193 L 1**

**Ms. Furio** asked so when did this happen ?

**Ms. Chan** said Nov. 14<sup>th</sup> at 11:45 in the afternoon. We got a phone call from the Fire Dept. I thought it was a fire. The last thing that happened on the ...camera picture was the fire fighters in our living room. Then we got a call. I was rushing back, I thought it was a fire, it wasn't, it was the tree. They said take a breath before you walk in, and it literally went sideways half way through my house. Through the 2<sup>nd</sup> floor into my dining room, kitchen, bathroom and baby's room. So luckily no-one was home except my cat.

**Ms. Furio** asked was the cat OK too ?

**Ms. Chan** said PTSD but fine.

**Ms. Furio** said so you are on a corner, and your front door is on Brookside ?

**Ms. Chan** said yes.

**Ms. Furio** said the deck is on the Brookside side ? Here is the deck in the back.

**Ms. Furio** said the dormer you are sticking in the front, over the doorway.

**Ms. Chan** said yes.

**Ms. Furio** said and that's where the tree came though from the front to the back ?

**Ms. Chan** said no its from the back

**Ms Furio** said but it sliced through

**Ms. Chan** said yes.

**Ms. Furio** said so the deck is going to be off the sliders, which I guess is the kitchen

**Ms. Chan** said yes.

**Ms. Furio** said and then you step down behind the garage.

**Ms. Chan** said yes.

**Ms. Furio** said pretty much pre-existing but you're just having to put it back.

**Ms. Chan** said yes.

**Ms. Furio** said so on the Rear Yard Set-back, because you're on a corner you are calling opposite Brookside the Rear Yard.

**Ms. Chan** said yes

**Ms. Furio** said Brookside is your front door – so that's your Rear Yard.

**Ms. Chan** said yes.

**Ms. Furio** said you are not expanding the house footprint in any way. You are just fixing the slice, fixing the deck, and you are not doing anything to the garage.

**Ms. Chan** said no, the garage is undamaged.

**Ms. Furio** asked anyone in the audience for or against the application ?

**Richard Peraz**, said he lives 2 houses away at 11 Deacon Place. To be transparent, I am also her Insurance Adjuster.

**Ms. Furio** asked so you are for ?

**Mr. Peraz** said I am for. What she is doing is putting back the existing house, only thing she is adding is the dormer in the front. It's a corner house so her deck goes back. Our properties drop down, if you're going down Deacon . She is on Brookside, they don't drop down drastically, but from her house to Crusak's (?) house next door, its about a 4' to 5' drop, and then there would be another 3' drop to my property. I've lived there for 20 years. I've built my house. Most of the houses in the area, I've seen so its no detriment from the visual of the house or anything that they are going to do that will change our property values. It might actually make them better.

**Ms. Furio** said I want to reiterate that the deck is going to be put back to the exact same dimensions that it was before it got splintered.

**Ms. Chan** said yes it is.

**Mr. Peraz** said it really can't go anywhere else...



**Borough of Cresskill  
Zoning Board of Adjustment  
Public Meeting 8 pm  
Minutes July 25, 2019**

**Page 9 of 9**

**1350 Steve Eng & Lucilla Chan (cont.) 296 Brookside Ave B 193 L 1**

**Ms. Furio** agreed.

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

**Ms Furio** asked would anyone like to make a motion to approve or deny the application as stated.

**Mr. McCord** made the motion.

**Ms. Batistic** seconded.

**The application was granted**

**Memorialization**

**1347 Shay & Rotem Zaidenberg 50 Merritt Ave. B 28.01 L 7**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	25.87'	25.87'	
Side Yard Abutting/Lot	15 ft	14.7'	14.7'	0.3'
Other Side Yard	20 ft	21.91'	15.71'	4.29
Combined Side Yards	35 ft	36.61'	30.41'	4.59'
Rear Yard Set Back	30 ft	11.7' to 25.83'	11.7' to 25.83'	ENC
Max. Livable Fl. Area (FAR)	32%	17.97%	20.5%	
Lot Frontage	100'	58.43'		ENC
Lot Depth	100'	81.24'		ENC
Bldg. Coverage	20%	18.85%	21.37%	1.37%
Impervious Coverage	30%	23.65%	26.2%	
Height of Bldg	28'		18.38'	
Lot Area	10,000 sq.ft	10,838sq.ft		ENC
Driveway	10'			

**The applicant was granted the above variances to construct an addition.**

**The lot is irregular, with 5 sides.**

**Ms. Westerfeld** motioned to adjourn the meeting

**Mr. McCord** seconded.

Meeting was adjourned at 8:37 pm