

**Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 pm
Minutes Jan.28, 2021**

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Present in Person:, Mr. Kassis, Ms. Schultz-Rummel, Ms. Bauer (recording secretary)

Present by ZOOM:, Ms. Batistic, Ms. Westerfeld, Ms. Furio, Mr. Corona, Mr. Cleary, Mr. McCord, Mr. Jack Van Horne (Board Attorney),

Absent:

Mr. Kassis hosted / directed the ZOOM.

Ms. Furio chaired the meeting on ZOOM..

The meeting was called to order at 7:36 pm. to accommodate adjustments required by ZOOM

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

The October minutes were approved by Mr Kassis and seconded by Mr. McCord.

Applications

1371 Alexander Krayniy

251 Brookside Ave

B 4 L 14

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	26.4''	No change	
Side Yard Abutting/Lot	15 ft	24.2'	No change	
Other Side Yard				
Combined Side Yards	35 ft	71'	No change	
Rear Yard Set Back (accessary Bldg)	5'	24.1' (deck)	3.9'	1.1'
Max. Livable Fl. Area (FAR)	30%	12%	No change	
Lot Frontage	100 ft	131.5'	No change	
Lot Depth	100 ft	94.5'		ENC
Bldg. Coverage %	20%	16.5%	No change	
Impervious Coverage variable	30%	22.4%	No change	
Height of Bldg	28'	20'	No change	
Lot Area	10,000 sq.ft	12,632.4 sq.ft		
Min.Driveway side-yard	10'			

Mr. Krayniy is before the ZBOA. The pergola was installed without permits nor Zoning approval. He is seeking the above listed variance and any others deemed necessary.

Mr. Robert Murphy (architect) represented the applicant.

Mr. Robert Murphy was sworn in

Mr. Murphy described the requested variance. The proposed Rear Yard Set Back is 3.9' with a variance of 1.1'. The applicants were not aware of the required set-back and it would be very complicated to rectify the set-back. What we need is relief for 1.1'.

Because of the feed-back echo from ZOOM, the recording was unintelligible.

Mr. Van Horne asked Mr. Murphy to repeat his last sentence.

Mr. Murphy explained that turning the pergola would result in a larger variance- the least variance is 3.9'.

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1371 Alexander Kravniy (cont.)

251 Brookside Ave

B 4 L 14

Mr. Murphy said the stone retaining wall in the rear separating the properties, makes the view from the neighbor in the rear a little less of the pergola which is only 12 ½ ‘ high.

Mr. Murphy showed pictures of the pergola to the committee members on ZOOM.

Mr. Murphy explained that’s the rear property, here is the retaining wall with some foliage on it, and the property is 5’ or 6’ lower than the rear property. It has a roof on it basically to keep the rain out. It was built over an existing patio...Its very visual, very appealing to look at.

Ms. Batistic asked has a portion of it been built to the slope of the back-yard ?

Mr. Murphy said yes it slopes up the rear a little bit. It has the footage below frost, so its all built to code- very strong.

Mr. Murphy said that’s correct. Its built over an existing patio that was there.

Ms. Furio asked and it has a concrete wall around it ?

Mr. Murphy said correct. Like a sheet wall basically with a counter top on top of it for dining, for sitting.

Ms. Furio*could not interpret recording*

Mr. Murphy said correct. Unfortunately when they constructed, they didn’t realize they needed a permit, so they built it without a permit, unfortunately. Yes, we are seeking variance relief, relief from a variance from a property set-back.

Ms. Furio said right*gave explanation of why pergola was 3.9’ from property line*

Mr. Murphy said that’s 100% correct.

A lot of noise

Ms. Furio said is there anyone in the audience for or against this ?

Mr. Kassis said No.

Mr. Van Horne said Mr. Murphy , when we were trying to get started, I couldn’t quite hear things and I got distracted. Were you a licensed architect in the state of NJ ?

Mr. Murphy said yes I am.

Mr. Van Horne said please tell us about your experience and background quickly.

Mr. Murphy said I graduated from the N.Y Institute of Technology in Manhatten, and I got my license in NJ in 1987, and I am licensed in NY state in 1992.

Mr. Van Horne asked and you are in good standing in NJ ?

Mr. Murphy said yes.

Mr. Van Horne said your testimony is accepted as an expert witness.

Ms. Furio said there is no one in the audience. Is there any one on the Board with questions or comments regarding the application ?

Mr. Kassis said nothing.

Ms. Furio said would someone like to make a motion to grant or deny the application as presented ?

Mr. Kassis said I make a motion to approve it as submitted.

Mr. Kassis said Kathy Schultz-Rummel seconded.

The application was granted

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1372 Adam Burlison		46 Crest Drive South		B 92.04	L 12
Description	Required	Existing	Proposed		Variance
Front Yard Set Back	25 ft	30.5	24.1'		0.9'
Side Yard Abutting/Lot	15 ft	9.5	11.4'		3.6'
Other Side Yard	20'		18.8'		1.2'
Combined Side Yards	35' ft		30.2'		5'
Rear Yard Set Back	30 ft	43.6'	43.6'		
Max. Livable Fl. Area (FAR)	39%	26%	37%		
Lot Frontage	100 ft	60''			ENC
Lot Depth	100 ft	115'	115'		
Bldg. Coverage %	20%	16%	18%		
Impervious Coverage variable	34.9%	25%	30%		
Height of Bldg	28'	22'	27.5'		
Lot Area	10,000 sq.ft	6900 sq.ft			ENC
Min.Driveway side-yard	10'				

Mr. Mark Madaio is before the ZBOA. He is representing the owners, they propose to construct a 2nd story addition.

Mr. Cleary recused himself because he is a friend of the applicant's neighbors.

Mr. Madaio said he would try to be relatively brief.

Mr. Madaio adjusted the easel for presentation via ZOOM.

Mr. Madaio introduced himself. His office is on Legion Dr. in Bergenfield. He is here in regard to B92.04 L12 46 Crest Drive South. The subject property is a 1 ½ story, what I would say is small colonial, that many of us remember as used to be mostly Cresskill. That property and the existing condition, I've set forth on A-1, which I've taken a moment to mark. I understand it's a little awkward because not everyone has that, nor can see it. I'm going to trust the fact that everyone on the board knows the small un-redeveloped homes on Crest Drive North and South. This is one of the old ones. It is a 1 ½ story small box cape. If it was in New England it might be called a salt box, but it is one of the small ones. My client proposes the following. The back of that house has 2 on either side of the back porch 2 open areas. My client seeks a 1st floor addition to square that off with the existing protruding back porch. My client then seeks to put a 2nd floor exactly on top of the 1st floor, that requires no additional variances. In other words, we are not adding any more variances here, whatsoever. We are simply taking a 2nd floor, adding it on the exact same walls and foot prints as the 1st floor, with a small exception which I will get to. That, technically speaking, as I'm sure Mr. Van Horne will tell you, is the expansion of a non-conforming structure. It is a relatively technical variance. We are not seeking to make any variance worse or to change any variance. We, just by going to the 2nd floor, place more of the structure at variance. So, in order to make sure, and again because of the circumstances, we're in a little bit, the minimum side-yards' requirement is 15', one of our side-yards is 11.4', when we build the 2nd floor on top of the 1st floor, that's going to be 11.4', no more, no less. One of our side-yards, the other side-yard, is supposed to be 20', right now its 18.8' to the house and 9.5' to the garage. When we do our addition, its going to be 18.8' to the house, because the 2nd floor is going to sit on top of the 1st floor. Metaphorically speaking, if you take 2 sheets of

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1372 Adam Burlison (cont.) 46 Crest Drive South B 92.04 L 12

paper, its going to do that. The difference between the garage side-yards, we're not putting a 2nd floor over the garage, so that will continue to be one story. The total side-yard is supposed to be 35', right now its 30', its going to continue to be 30'. So we add the 2nd floor over the 1st floor, we're not changing any side-yard. The front-yard set-back, is supposed to be 25'. Right now, its 30'. When we are done, it will be 24.1'. In other words, we will need a variance for about 11 inches. And the reason for that, is that the 2nd floor is going to hang out. In the front the 2nd floor is going to hang out slightly over the 1st floor, so that someone going into the front door has coverage. Even that, does not require a variance. But when we do that, we are going to create a little front porch just to walk in, like a stoop. That stoop, when we re-create it, will be 11 inches too close to the front property line. That is the only new variance. So having said all that, you are familiar with the neighborhood, I'm going to ask that the architect be sworn in, Mr. Van Horne, and then we will jump into some testimony.

Mr. Asgher Ali Qureshi was sworn in, and gave his credentials.

Mr. Kassis asked Jack was there anything you wanted to add ?

Mr. Van Horne said no, I was not clear as to the spelling of his last name.

Mr. Qureshi repeated the spelling.

Mr. Madaio said I marked A-1. The board is familiar with the area. There is an aerial photo there as well. Did you take these pictures ?

Mr. Qureshi said yes.

Mr. Madaio asked These pictures are real, they are not fake in any way ?

Mr. Qureshi said yes they are real.

Mr. Madaio asked this is Crest Drive S. ?

Mr. Qureshi said yes.

Mr. Madaio asked was I accurate when I indicated that this one of the older homes on Crest Drive North or South that hasn't yet been re-developed or expanded. Correct ?

Mr. Qureshi said yes.

Mr. Madaio said O.K. . May I ask you to go to your 1st floor font. On the upper right hand corner is that a picture what we propose ?

Mr. Qureshi said yes. Its called *anchors* .

Mr. Madaio said thank-you for using that. Was I accurate when I indicated that we were not putting anything on top of the garage ?

Mr. Qureshi said yes.

Mr. Madaio said OK. So, on the left side of that plan, is that the existing home ?

Mr. Qureshi said yes. This is the existing full frame of the house. The dashed line indicates the buildable area.... So the existing home is non-conforming.

Mr. Madaio asked do we intend to, or we are asking for permission to square off the first floor, so that the house will now be first floor foot-print will be rectangular ?

Mr. Qureshi said yes that is true.

Mr. Madaio said and will you show the board, on the 1st floor only, what we are adding.

Mr. Qureshi said look at this dark line. I don't know...

Mr. Madaio said Board members have the plans, I believe, at home.

Ms. Furio said that's correct.

Mr. Madaio said if you read the descriptive, I bet they will be able to follow along.

Mr. Qureshi said this is sheet 1.0

Mr. Madaio said I am going to ask Jack that that be A-2.

Mr. Qureshi said with this dark line we are showing the existing foot-print of the house.... and that's the addition. So in the back portion of the house, these are 2 boxes which we are adding and we are aligning them to the existing foot-print.

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Mr. Qureshi said yes.

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Mr. Madaio said and our lot is 6900 square feet. Correct ?

Mr. Qureshi said yes.

Mr. Madaio said our lot is approximately 30% undersized ? Correct ?

Mr. Qureshi said yes.

Mr. Madaio said and we still don't need variances for Coverage, FAR, Impervious, anything else ?

Mr. Qureshi said yes.

Mr. Madaio said OK. So now lets take a look at the 2nd floor. Lets first take a look at the elevation. Are these the elevations that you designed ?

Mr. Qureshi said yes.

Mr. Madaio asked and was I accurate when I said that the 2nd floor going to sit exactly above the 1st floor ?

Mr. Qureshi said yes.

Mr. Madaio said the 2nd floor going to sit exactly above the 1st floor ?

Mr. Qureshi said yes.

Mr. Madaio said and again, and again .

Mr. Qureshi said yes.

Mr. Madaio said OK. Lets go back to the front. The one exception that I indicated, is that in the front, the 2nd floor is going to hang over the 1st floor. Am I correct ?

Mr. Qureshi said correct.

Mr. Madaio asked how far is it hanging over ?

Mr. Qureshi said 2 feet

Mr. Madaio said the 2nd floor is going to hang over the first floor by 2 feet. Is that as I indicated, so that a person going thru the door can be out of the rain while they open the door or on the vestibule ?

Mr. Qureshi said that is part of it.

Mr. Madaio said that 2 foot more over-hang, does that require a Front Yard variance ?

Mr. Qureshi said no it does not.

Mr. Madaio said OK. So even while we are actually making the 2nd floor bigger than the 1st floor that does not require a variance.

Mr. Qureshi said that is true.

Mr. Madaio said OK. What does require a Front Yard Variance ?

Mr. Qureshi said we are having a little open porch in the front stoop area. The platform takes 11 inches into the required Front-Yard set-back.....

Mr. Madaio said that front stoop to create that covered front entry and stoop, that requires the variance for the size of a sheet of note book paper.

Mr. Qureshi said that is so.

Mr. Madaio said OK. And the actual entirety of that 2nd floor structure that protrudes over the 1st floor, that doesn't even require a variance.

Mr. Qureshi said yes.

Mr. Madaio said OK. And the side of the house with the garage, we are not building above the garage so we are not even impacting that side-yard even to the extent that we are continuing it to the 2nd floor. Right ?

Mr. Qureshi said OK. Is the Front-Yard entry and that stoop which requires an 11 inch variance. Is that a nicer walk and a better walk than if we just made a flat front that people can stand out in the rain ?

Mr. Qureshi said yes, that is true. Also it is a good design and also the comfort. We are building a little vestibule in front. The simple over-hang is not enough to cover.....

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Mr. Madaio said OK. It also enables us to show a little bit of shingles there on the top of the 1st floor and it provides some dimension to the structure. And that protruding 2nd floor does not even require a variance to do that.

Mr. Qureshi said yes that is true.

Mr. Madaio said OK. We go back to the picture. Looking at the front, I'm going to save lower last one. That would be the circumstance where there is nothing above the front door. We don't want that circumstance. We'd like a little visual interest and a place where someone could be out of the rain, and unlock the front door.

Mr. Qureshi said yes.

Mr. Madaio said OK. And you are talking about an undersized interior lot. Am I correct.

Mr. Qureshi said yes.

Mr. Madaio said and that lot is undersized in frontage by 40%. Its undersized in area by 30%, and it is slightly over in depth. So that's why we're not evensized. I have no further questions of this witness. But of course, if the Board has questions, or we can help answer questions- that's what we're here for.

Ms. Furio asked so the only portion that sticks out by 11 inches is the stairs ?

Mr. Qureshi said it's the last pole of the front open porch.

Ms. Furio asked I'm sorry, could you say that again.

Mr. Qureshi said it's the last form of the open porch.

Mr. Madaio said I have nothing further. I might take one second to just close when you are ready, but that is our presentation.

Mr. Kassis said are there any questions for the architect ?

Ms. Furio asked is there anyone in the audience ?

Mr. Kassis replied *answer was unintelligible on the recording because of ZOOM.*

Ms. Schultz-Rummel asked you cannot do what you want to do with the existing stoop without the 11 inches ?

Mr. Qureshi said yes. Because we are creating a little vestibule in front of the house, and then we need a little bit of area in front.....for an open porch.

Ms. Schultz-Rummel asked and that can't be created without being extended ?

Mr. Qureshi said yes, it won't have enough depth to it.

Mr. Kassis asked any other questions ?

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

Mr. Kassis said there is nobody in the audience against the application.

Ms. Furio said is there anyone on the Board with questions or comments ?

Ms. Batistic said I just want to mention, in case that the application is approved, that we make a condition that that front porch can never be enclosed.

Mr. Madaio said veryits not our intention. Thank-you Margita, that's a good point.

Ms. Furio asked any other questions or comments ?

Ms. Furio said would someone like to make a motion to approve or deny, saying that the front portico never to be enclosed.

Ms. Batistic said I'll make a motion to approve with the condition

Ms. Westerfeld said how about over the garage. I was trying to get in before but I couldn't. How about also they can't build over the garage.

Mr. Madaio said to be candid with you, that would not require any variances, So the existing garage. I might be wrong with that, it might require a variance. But I would much prefer, if the family grows and they need a little

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room over the garage, that perhaps you could have that application at that time. This is an extraordinary modest improvement in an area that has had lots of improvements. And the existing housing stock. I think you have an ordinance that houses can't be any smaller than 750 sq.ft. Do you have that ordinance or am I thinking of a different town ?

Ms. Batistic said we have an ordinance to that effect.

Mr. Madaio said OK. If you imagine, our first floor is 780, the 2nd floor is almost nothing because of the nature of the structure. This house in its current condition, almost violates your Zoning code by being too small. That's a rare occurrence, if we're sitting here before you with a house that is a minimal number of square feet too small. That's where I rest and of course always happy to see you all. And I hope we get thru these circumstances where we're all wearing masks.

Ms. Furio said we had a motion to approve from Margita, Did we hear a second ? or did we stop ?

Mr. Kassis said we did not hear a second.

Ms. Furio said OK do I hear one ?

Mr. McCord seconded.

The application was granted

Mr. Madaio thanked the Board.

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Memorialization

1369 Renzo Carcish 24 Douglas Drive B 1.05 L 18

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	25.11'	25.11'	ENC
Side Yard Abutting/Lot	15 ft	14.81'	14.81'	0.19'
Other Side Yard	20 ft	10.58'	10.58'	9.42'
Combined Side Yards	35 ft	25.39'	25.39'	9.61'
Rear Yard Set Back	30 ft	37.83'	35.99'	
Max. Livable Fl. Area (FAR)	32.88.%	30.89%	32.28%	
Lot Frontage	100 ft	83.37'		
Lot Depth	100 ft	94.19'		
Bldg. Coverage %	20%	21.82%	21.82%	1.82%
Impervious Coverage variable	31.6%	41.02%	40.8%	9.2%
Height of Bldg	28'	26.04'	26.04'	
Lot Area	10,000 sq.ft	8,231sq.ft		
Min.Driveway side-yard	10'			

Mr. Carcish was granted the above variances to construct an addition

1370 Kfir Sayag & Ginna P. Diaz 117 Park Ave B 165 L 13-14

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft	19.7 / 19.8	19.7 / 19.8	4.2' / 4.3'
Min. 2 nd Front Yard	25 ft		19.7'	4.3'
Side Yard Abutting/Lot	15 ft	4.9'	4.9'	ENC
Combined Side Yards	35 ft	24.41	24.41	ENC
Rear Yard Set Back	30 ft	35'	35'	ENC
Max. Livable Fl. Area (FAR)				
Lot Frontage	100 ft	50'		ENC
Lot Depth	100 ft	100'		ENC
Bldg. Coverage %	20%	23%	26%	6%
Impervious Coverage variable	35%	33%	33%	ENC
Height of Bldg				
Lot Area	10,000 sq.ft	5,000 sq.ft	5,000	ENC
Min.Driveway side-yard	10'			

Kfir Sayag & Ginna P. Diaz were granted the above variances, they propose to extend their roof overhang.

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Annual Re-Organization 2021

Ms. Furio said in January there is always a little bit of housekeeping to be done.

Normally we go by who's the Chair, who's the Vice, who's the Recording Secretary etc., etc.

This year I'm stepping down as Chair and moving over to take Dean's place over in the other Board .

I want to nominate Glen to move up as Chair.

If anybody wants to throw their hat in the ring otherwise, I think we can vote on that.

We still have a Recording Secretary and we have an open position for Vice-Chair.

Glen do you have anything that you would like to add.

Mr. Kassis said I would like to thank-you for your service. Its been a pleasure working with you these years.

We may not have agreed every single time.

Ms. Furio said but that was the best part. Right ?

Mr. Kassis said right. So I thank-you and I do accept the nomination. I look forward to serving the community.

Ms. Furio said is that acceptable to everybody, shall we take a vote on that ? Bobbi can you do a roll-call.

(because of a ZOOM problem, it was agreed that members give a thumb-up (visible on the screen) for a 'yes vote.)

The vote (Thumbs-up), was unanimous to accept the nomination for Mr. Kassis as Chair.

Ms. Furio asked is there someone in the Ring there going for Vice.

Mr. Kassis said I've been thinking who has been here the longest. Margit you've been here quite a bit. If you'd be interested I'd nominate you.

Ms. Batistic said yes, sure.

Mr. Kassis said I nominate Margit. She has accepted. Is there anyone else want to consider ? Nobody at this point.

Ms. Furio said I think Margita will be a great asset.

Ms. Batistic said Thank-you.

Mr. Kassis said Thumbs-up for everybody.

The vote (Thumbs-up), was unanimous to accept the nomination for Ms. Batistic as Vice-Chair.

Ms. Batistic said Thank-you.

Mr. Kassis asked are there any other positions we have fill ?

Ms. Furio said Secretary is Gail . So, I guess if that's OK. So we can just continue with that. Gail if that works for you ?

Ms Westerfeld agreed.

Ms. Furio said fine . That works for Gail. Thumbs up for Gail.

The vote (Thumbs-up), was unanimous to accept the nomination for Ms Westerfeld as Secretary.

Mr. Kassis said don't we give Jack a Thumbs-up too ?

Ms. Furio agreed

The vote (Thumbs-up), was unanimous to accept the nomination of Mr. Van Horne as Board Attorney.

Mr. Kassis said as a point of clarification, Gail is the Secretary, Bobbi is the Recording Secretary.

Mr. Kassis said we have to approve the Budget.

Ms. Furio said I looked at the budget and it looks fine. Someone has to sign it.

Mr. Kassis said that he will sign it.

Everybody don't forget that you have to fill out your Oath page. It has to be done in front of a notary. Don't forget to stop in town, or go to your local bank, or somebody, and get it over to the Clerk's office. The Oath page was in the packet.

There was discussion among Board members as to who got the packet.

Mr. Kassis said it might be just for people whose terms are up.

Ms. Furio said that would be you and me.

Mr. Kassis said right. That's why you and I got it.

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Mr. Kassis asked any other business ?

Ms. Furio said I want to thank you all I've had a great almost 20 years. I'll miss you guys. I'm sure I'll see you around.

Meeting was adjourned at 8:21 pm