

**Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 7:30 pm
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1393 (cont.) Avi Bacalu

300 County Road

Block 72 Lot 1.02

Mr. McClellan said Right.

Mr. McCord said OK this is that application. I remember we asked :‘are you sure that you want a pool with grass around it ?’ And the answer was: ‘absolutely, we don’t care that there is no deck around it’. So what happened ?

Mr. McClellan said So I think that the existing coverage of 61.1% . That sounds like ‘Wow’. We didn’t want to come in and ask for an *increase* .We just wanted to keep it at that number. It did seem so extreme . We want approval for the pool and we want to keep the coverage almost the same.

Mr. McCord said so are you admitting then that you essentially misled us the first time ?

Mr. McClellan said I don’t think that we misled.

Mr. McCord asked how would you describe it ?

Mr. McClellan said it seemed we were not going for a variance by keeping the coverage the same.

Mr. McCord said but you had no intention of keeping the pool in the middle of a grassy field. That you testified to. Am I right ?

Mr. McClellan said I can’t remember what I testified to.

Mr. Kassis said that is the recollection I have. We are looking to balance your clients’ needs for immunity for a very large request of Impervious Coverage. And maybe more than the usual amount of concrete or patio surfaces back there. Which is something was more important than apron around the pool. How more important is this than the existing Patio paver. By removing that, creating less of an Impervious Coverage, and giving you your apron around the pool. There has to be give and take here. You are looking for everything, you came back for a second scoop of ice-cream, here tonight -to extend something that wouldn’t have got passed the first time. This application is not significantly different than what was requested. Am I missing something ? This application, and the Impervious Coverage requested the last time, you are just adding more to what you already have. Right ?

Mr. McClellan said yes

Mr. Kassis said am I saying it correctly ?

Mr. McClellan said I really don’t want to cut back the driveway. We might be able to do something with the existing patio that is there. To reduce it to have some apron around the pool. The existing patio now is 421 sq.ft.

Mr. Kassis said if you move the patio behind the 125’ mark, it would be less of an Impervious issue. Because the first 125’ is used to calculate it.

Mr. McClellan said Actually all improvements on this property, except the house and driveway, are all beyond the 125’. I believe that it’s the Zoning Official’s interpretation of the code is that all the impervious house on the lot,is divided by the first 125. There are towns, I know Glen Rock has a 40’ line , everything beyond that line is divided by the entire area. In Cresskill, no matter what is on the property, we are only dividing by the first, in our case, 7433 sq.ft., while we have almost 17,000 sq.ft., so that’s where our hardship is.

Ms. Batistic asked what would be the coverage if you were taking the entire area ?

Mr. McClellan said 32.1%

Ms. Batistic said 32.1%. With this *patch* ?

Mr. McClellan said we are allowed 34% because of the lot narrow.

Ms. Batistic said the narrowness of the lot is a hardship. However, the standard lot size is 10,000.

Mr. McClellan said 100 by 100.

Ms. Batistic said 100 by 100. So if the lot were 100 by 100 you would still have 50 (somewhat) percent of the coverage. Wouldn’t you ?

Mr. McClellan said yes, it would be 53%. But if we had a 100’ wide lot, which is the lot width, we would have a 28,000 sq.ft lot because we are so deep.....

Mr. Kassis said were hypothetically talking about 100 by 100. Not 100 by whatever you have. If you had 100 by whatever you have, we would not be here tonight.

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Mr. Kayman said cut-off in the page but his survey has been done recently, maybe a couple of months ago, by a licensed surveyor, as he has the survey that we can present. Butsame survey.

Mr. Kassis said you have a survey with a *legal* seal from an engineer with you tonight ?

Mr. Kayman said not tonight. We have a soft copy that we could provide.

Mr. Kassis said no, we would need something that we could enter into evidence.

Mr. Van Horne said technically the application is incomplete, and it should not have been on the agenda, without that survey being submitted to the Board secretary.

Mr. Kassis said and without that being able to produce it with us right now, we are making a judgment that could be altered if the survey comes back and the numbers indicated on this depiction of that survey are different than what was produced by a licensed surveying engineer.

Mr. Kayman said they are exactly the same because we are using a PDF background that....

Mr. Kassis said we don't know that.

Mr. Kayman said but we can prove it*we can do a subject for finding the survey.....* which is exactly the same as the A 0.01, that's okay.

Ms Kathy Kim said *that she had the copy at home in Cresskill and would go and fetch it.*

Mr. Kassis asked where do you live ?

Ms Kathy Kim said 14 Cedar St.

Mr. Kassis said so you are going to Cedar St.

Mr. Van Horne said so the only thing is though, if you are going to leave the Hearing, you've got to understand that you are not going to claim you are prejudiced because you are not present at the Hearing, in a way that likes to be present for a portion of the hearing. Are you willing to do that ?

Ms Kathy Kim said yes.

Mr. Van Horne said Okay. And do you think that you will be back in 15 minutes ?

Ms Kathy Kim said I'll try to be back in 15 minutes. Yes.

Mr. Kassis said Okay, Thank-you. We are going to proceed with the assumption of the accuracy of the mission, and the page that was provided. With that being said, why don't you move forward with a description of what you have planned and why there are so many variances needed in order to get this application approved.

Mr. Kayman said yes, sure. On Cedar St., between Poplar Ave and Chestnut St.....becomes a dead-end St. Its an existing 3 bedroom, 1 ½ story split level on a narrow 75' , non-compliant lot , with a one car garage. The existing house is not compliant with the current Zoning requirements. We are proposing an addition to the house, also some adjustment to the roof structure. Also to the façade, to incorporate some architectural elements to the house. Give it some character. To renovate and fill out the house. If you refer to.....that's the existing house- from the back, from the rear, so there is a 2nd story added at some point and there is an entry gap under theaddition. And there is also a deck in the rear. So we are proposing to provide some addition on the deck existing structure.

Mr. Kayman *described how the existing variances in Side Yards, Impervious Coverage, and Building Coverage were impacting the Proposed request for variances.*

Mr. Kayman *said in the front all the walls are existing. We are changing the roofing structure. We are changing the roof height. The rotation of the existing walls remain the same*

Mr. Kayman *described the basement renovation turning the one car garage into a 2 car garage, and increasing the size of the driveway.*

Mr. Kayman *said we want to extend the kitchen and also add anotherat the top of the kitchen*

Mr. Kayman *said there are spaces inside the house that are not usable. That's why our numbers are higher than what is required.*

Mr. Kayman *said we are proposing a house that is more pleasing to the neighbors, also from the rear of the house.*

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Mr. Kassis said the current Impervious Coverage. The area below the raised addition in the back, is that included in the Impervious Coverage ?

Mr. Kayman said correct.

Mr. Kassis asked as it currently stands ?

Mr. Kayman said yes.

Mr. Kassis asked is there a patio you under there ?

Mr. Kayman said concrete.

Mr. Kassis said concrete. There's a lot. Has there any thoughts been given to trying to get this to a closer number without exceeding the FAR.

Mr. Kayman said we tried but because of the shape of the house.....*the client wanted certain features*....that's why the numbers are a little bit higher than what we expected expected.

Ms. Batistic said I have a question regarding the height. You said that you will comply with the height.

Mr. Kayman said yes.

Ms. Batistic asked will this first floor elevation remain as it is now ?

Mr. Kayman said correct.

Ms. Batistic said So the first floor is 104.46.

Mr. Kayman said correct.

Ms. Batistic said now from the first floor to the top you have 23 feet 11 inches.

Mr. Kayman said correct.

Ms. Batistic said so one in three feet 11 inches.

Mr. Kayman said I can explain that. So in the ordinance the height is taken from the front yards, and I don't remember, I think it was a number of locations. We divide it equally so we get the number- so that's the average. So it should be 28 feet

Ms. Batistic said the average grade in the front, correct.

Mr. Kayman said if you look at the elevation in the front, it should be 8201. You have that 28 feet dimension line. It's just showing the average grade. The average grade is also the same as.....

Ms. Batistic said okay that was my question. Your first floor is at 104.46 which is on the *server*. It says First Floor 104.46 with your key.

Mr. Kayman said yes

Ms. Batistic said and then you have 23.92 feet. You have 23.....correct ?

Mr. Kayman said correct

Ms. Batistic said so you are going to be at 28.38. Are you keeping the grades or are you filling the There is not much difference but the grades on the survey show that.....is 149 and the other is 99.8.

Mr. Kayman said they are not making any changes. The grades are not changing. We will comply with the 28 feet requirement as per the ordinance. If there is a slide mistake, we will fix that.

Ms. Batistic said Okay. Because you are right at at.....If you keep the grade, you are quite over board.

Mr. Kassis said it's a big house in this street. I personally have concerns over this FAR and the Building Coverage numbers. Impervious Coverage is not a big issue. You will have to put in whatever necessary to keep it fit, as the town requires. But those two numbers are problematic. They are large, and in comparison to the houses in the neighborhood . I happen to know that house because I drive up and down that street every day, and there are a lot of *foot-level* along that entire street, across the street, to the right of you, to the left of you. This house is going to be sizably different than the houses in the neighborhood .

Mr. Kayman said if you are driving by, the front is not going to change. Its going to be a little bit higher in compliance with requirements. So we are just trying to fill the gap

Mr. Kassis said you are trying to maximize , forgive me for saying this, you are trying to maximize the footprint of your house, You find a number that we might be interested in approving. Right ?

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Mr. Kayman said of course.

Mr. Kassis said would you be able to point to a house that has this significant increase ?

Mr. Kayman said I haven't researched that, but I can research it, you know.

Mr. Kassis said we have an application in front of us tonight. If you don't have that, its alright.

The other thing was, if we were to approve this application, without the increase in Floor Area Ratio exceeding the allowable limits. Could a house, be designed by you, that would accommodate that ?

Mr. Kayman said we can try to reduce, maybe the family room which is under the addition. So that we can make some adjustment to reduce the size of that room, and in the upper level.....*interference from paper rustlng.....and the kitchen and dining room as well*

Mr. Kassis said so, if I am understanding your answer, its possible.

Mr. Kayman said yes , however its going to affect.....its not going to line-up.....but it will definitely reduce the FAR.

Mr. Kassis said I believe that the reductions from the original form right now, would be architecturally better and would fit / match the neighborhood more closely than that addition on stilts.

Ms. Batistic commented *on the effect of the design changes on the architecture.*

Mr. Kassis said I hope you are getting a sense that there is some concerns with this application . We could vote on it the way it is here tonight. If it doesn't pass, you would have to go back to the drawing board, and come back with something materially different as an application, re-present it, re-notify and everything else. Or you can ask that this be carried to the next meeting. Make some changes and come back to us- with something that's based on some of the comments that you have heard. I haven't heard from everybody on the Board. Anybody else have any comments that they would like to make ? And then you can utilize that. Could come back, sit down with your clients, and then come back with something that you believe would have a better chance of getting passed.

Mr. Kayman said I think I understand what the Board thinks about this application.

Mr. Kassis said we can't really give you a general nod of approval or dis-approval. We can make comments about it- but we cannot give you a summary. Each of us can't give you a summary of what we feel about the application. You have to extrapolate out of what we are asking you, and whether or not, and speak to your client, whether or not there is some way you can get, at least in my opinion, the Floor Area Ratio without the need of a variance. That's my opinion. I don't know what the rest of the Board feels, that would be up to them of course. And making that adjustment, probably will adjust the total Coverage. So those two can work hand in hand. The Impervious Coverage extending the driveway, a person has an issue with it, its on a busy street and a double driveway is not appropriate there. Your back-yard isits a lot . Is there any other comments from members of the Board ?

Mr. Corona said I would concur with what the Chair person said . I would also love to see almost a guarantee that there would be no height issue. We've run into that before. People promise and then. So if there's a way , if you are going to adjust, you may as well want to factor that in to make sure or ensure that you won't violate the height regulation. It's a pretty dramatic house in that neighborhood. The one that's acutely cornered from where you are, everything else is a little bit over sold. It looks nice but.....

Mr. Kassis asked any other comments or concerns ? The decision is purely up to you

Mr. Kayman said I think we have to go back and study this some more. Try to reduce the size and then come back. I think when we come back, we will be asking FAR variance as well. I don't think without the FAR variance, this project is not feasible. Fixed variance will not work it.

Kassis said okay. That variance would require a super majority.

Mr. Van Horne said you need five affirmative votes for FAR approval. So what we will do upon your request, is adjourn this to the next meeting.

Mr. Kayman said yes

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Mr. Van Horne said If you revise the plans, you have to submit them more than 10 days from the day of the hearing.

Mr. Kassis said and be sure to include the up-dated survey with that.

Mr. Kayman said yes, of course.
not the updated- the actual survey.

Mr. Kayman said yes

Mr. Kassis said alright, that was the request, so we will see you at the next meeting.

Mr. Kayman said thank-you so much.

Mr. Kassis said motion to adjourn with no memorialization.

Ms. Batistic made the motion to adjourn.

Meeting was adjourned at 8:28 pm