







**Borough of Cresskill  
Zoning Board of Adjustment  
Minutes Jan. 26, 2017**

1296 Lavon - Boa	40 New St		Block 85 Lot 63	
Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25ft			
<b>Side Yard Abutting/Lot</b>	<b>15 ft</b>	<b>10.10'</b>	<b>8.10'</b>	<b>6.90'</b>
<b>Combined Side yards</b>	<b>35 ft</b>	<b>25.7'</b>	<b>21.70'</b>	<b>13.30'</b>
<b>Rear Yard Set Back</b>	<b>30 ft</b>	<b>42.40'</b>	<b>28'</b>	<b>2'</b>
<b>Max. Livable Fl.Area FAR (variable)</b>	<b>39%</b>	<b>21.60%</b>	<b>44.52%</b>	<b>5.52%</b>
Lot Frontage	100 ft	50'		TECH
Lot Depth	100 ft			
<b>Bldg Coverage %</b>	<b>20%</b>	<b>21.2%</b>	<b>22.83%</b>	<b>2.83%</b>
<b>Impervious coverage(variable)</b>	<b>35%</b>	<b>41.4%</b>	<b>41.77%</b>	<b>6.77%</b>
Height	28 ft			
Lot Area.	10,000 sq.ft	5,000 sq.ft		TECH.
Driveway from Prop. line.	10'			

The applicant proposes to construct a paver patio and an addition.

The application requires : Proof of notification of neighbors within 200'.

*Mr. Watkins requested and was granted a 2 minute adjournment to consult with the applicant.*

**Mr. David Watkins Esq.** introduced himself as representative for the applicant.

**Mr. Watkins** described the property at 40 New St. as being in disrepair. They are proposing an add-a-level and an extension in the rear. This is a C1 upgrade. There is no drainage facility now. When approved there will be sufficient drainage. There are a couple of minor variances that exist. Mr. Martins, architect for the project, will testify.

**Mr. Mark Martins** was sworn in and gave his credentials.

**Mr. Martins** testified that the property at 40 New St is 100' North of Center St. The property is 50' by 100'. The house is a 1 ½ story frame with a detached garage. The existing set-back is 24.6'. The south side yard is 10' where 15' is required. The coverage is non-conforming. The Impervious Coverage requirement is 35%, the existing is 41.4%. The required Building coverage is 20%, the existing is 21.2%. The existing driveway is located on the property line and so is non-conforming.

**Ms. Furio** requested that the Impervious and Building Coverage figures be repeated.

**Mr. Martins** said the Impervious Coverage is 41.4% and the Building Coverage is 21.2%. After add-a-level to the structure and Bumping out to the rear, the Impervious Coverage is 41.77% and the Building Coverage is 22.83%.

**Mr. Martins** said there are 6 variances: existing Side yard variance, the Impervious Coverage variance, the Building Coverage Variance, the Rear Yard set-back, the Combined Side yards.

**Mr. Martins** said the existing variances are: 1) Front yard set-back non-conformance , 2) Side Yard non-conformance, 3) Total Side yard set-back, 4) Building Coverage, 5) Impervious Coverage, 6) Driveway set-back.

**Mr. Watkins** said we are not increasing the number of variances.

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**Mr. Martins** said the number of variances remain the same but the amounts change.

We are improving the site. No drainage exists on the property, we are adding a Seepage pit. The garage is eliminated. We are increasing the Impervious by only 18 sq.ft. We are eliminating the garage and the patio. We are putting in a new driveway.

**Mr. Watkins** introduced Roger de Niscis, planner for the project, to review any technical issues.

**Mr. Roger de Niscis** was sworn in

**Mr. Watkins** said from a planning perspective why is there a positive impact in this application.

**Mr. Watkins** introduced Roger de Niscis, planner for the project, to review any technical issues.

**Mr. Roger de Niscis** testified that the lot is very small 50' X 100'. The house also is very small. It's a 1 ½ story house the foot-print is about 528 sq.ft. The total floor area in the house is 1140 sq.ft. It is extremely small to accommodate a full family household. There is no drainage on the site and the Impervious Coverage is over 2000 sq.ft. It's the condition of the property that is most critical in terms of viewing related values. The house was in disuse for a number of years. The outside of the house and the garage are in very poor condition. It does not reflect the character of the neighborhood. The house and the garage are in need of substantial re-habilitation. At present the site is not a contributing land use resource. It's a negative resource. If we compare that with the proposal that compensate and mitigate the existing conditions. The house will be enlarged somewhat. The foot-print will be almost doubled. The total floor area will be 2227 sq.ft. This is larger than the existing house but it still not a large house. According to the 2010 U.S census the average single family home was 2650 sq.ft. In terms of the Impervious coverage, elimination of some existing Coverage and replaced by the addition. Eliminated is the long driveway and the garage and some paved area. Comparison of before and after is only an increase of 18 sq.ft. On the left side of the house where now there is the garage and driveway- all that will become landscaped area- will be replaced in a very qualitative way with outdoor living space. The house will be totally renovated, new siding. It will not appear to be the same house. The size of the house is not perceptible because the increase to the house will be mostly in the rear. Butting on either side and across the way are all houses in excellent condition. By increasing the size of the house and making it suitable for full family occupancy will certainly have a long term positive impact improving the housing stock. That will also result in promoting 2 goals in the master plan: 1) Preserve and enhance the residential character of the community. 2) Maintain the predominate medium density residential fabric of the borough while simultaneously continuing to create a more varied housing supply to accommodate a broad range of a population including smaller families, individuals and growing families. The site is in the R-10 single family zone, requiring a lot size of 100' x 100', the subject site is only 5000 sq.ft. When we get a situation like this when the lot size is ½ of what is required, there is a good possibility of problems primarily because the development standards for the R-10 district are intended for 10,000 sq.ft lots. There is no sliding scale. Its very difficult to take a 5000 sq.ft lot and comply with the requirements. An under-sized lot represents a very severe limitation. There are 6 categories of existing variances. The changes in the proposed 6 categories of variances are slight. The chief variance requested is the rear yard set-back of 28'. The purpose of that is to increase the living space. In the rear yard there is a very large area. This addition to the rear is not going to have an impact. The house next door has a very similar addition in the back. The Building Coverage will be slightly increased by 77 sq.ft. This increase will not be perceptible on the street because it is occurring on the rear side of the lot. The Impervious area increase will be 18 sq.ft which is minimal. The drainage management system will improve drainage conditions on the site. The final variance is the Floor Area Ratio. The Floor Area Ratio standard is 39%, lets use 40% for ease of calculation, or 1950 sq.ft. What is being proposed is slightly more than that, but still well under the single family home size. The reason for this is the severe undersize of the lot.

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What will be achieved by the proposal will certainly exceed any impact on the area. The variances requested are minimal. This application meets the criteria for approval under the Municipal Land Use Law section 70 paragraphs C1 and C2 .

C1: For sites that are severely undersized by area and frontage. Its in the R-10 zone district in which the standards are based on the 10,000 sq.ft lot. The existing house has less than 1200 sq.ft of living space. The proposed addition to the house will result in a larger house but certainly a house that is much less than a single family home. If we look at the reason for all of the variances, they are all directly related to the size of the lot. If this were a 10,000 sq.ft lot, there would be no problem in modifying the existing house to conform. It is not the expansive size of the proposal that is creating the variance because in my opinion and experience it is very difficult to develop a single family home of this size in compliance.

C2 (section 70): The board can grant the variances if the benefits in granting the benefits, outweigh any substantial detriments. The benefits that occur as result of this applications have been discussed. In my opinion , these are benefits because they advance the purposes of the law in the Municipal Land Use Law section 2 . Specifically those purposes under paragraphs a,b,c,g,h,i . Six purposes. In my opinion, granting those variances outweigh and substantial detriment.

The FAR is the result of a decision, called as the Raritan town Center Case , where the judges decided that the applicant needs to demonstrate that the site is able to accommodate the use, despite the fact that the application does not meet the Floor Area Ratio of requirements. Some of the problems that might result if there was excessive Floor Area Ratio. Chief among these are parking, drainage and adequate site open space. What we expect for a single family home is adequate parking, sufficient outdoor living space and drainage. In this particular instance, Mark designed the site to accommodate all of these. Drainage will be taken care of, there is a 2 car parking garage, and the open space on the site will be increased by eliminating the existing garage and driveway. The common problems that occur with Floor Area Ratio variances,do not occur in this case. The site plan has been prepared according to very sound planning principals. The fact that the Floor Area ia being increased does not compromise any aspect of the site design.

**Ms. Furio** said on Chris Blake's rendering on A2, we have bedroom 1, bedroom 2, bedroom 2, bedroom 3 and in the basement you have L bedroom.

**Mr. Watkins** said that was a typo, there are 4 bedrooms.

**Ms. Furio** asked and the L bedroom downstairs is 5.

**Mr. Watkins** said yes.

**Mr. Corona** said regarding the FAR and the Overhangs. If you were to eliminate the overhangs on the 2<sup>nd</sup> floor, would that reduce the FAR enough to comply to regulation.

**Mr. Martins** said no it would no eliminate. The overhang is 60 sq.ft less than 1%.

**Mr. Corona** said if you cut back 2' in the back. That would bring it closer.

**Mr. Martins** said yes, if you take 2' off the back of the house, that would reduce the FAR and reduce the Coverage.

**Mr. Corona** said I am speaking from experience. I built a compliant house on a 50' by 100' lot in this town with no problems. I agree with the aesthetics, you have most of it in the back. I don't like FARs on an under sized lot.

**Mr. Watkins** said if we take 2' off the rear of the addition, what is the reduction ?

**Mr. Martins** said 48'

**Mr. Watkins** said we will be compliant with the Rear Yard Set-back.

**Mr. Corona** said that is only one that is not existing.

