

**Borough of Cresskill
Zoning Board of Adjustment
Minutes Mar. 23, 2017**

Present: Ms. Batistic, Mr. Corona , Mr. Kassis, Mr McCord, Mr. Merzel, Ms. Westerfeld, Ms. Furio Van Horne (Board Attorney), Ms. Bauer (recording secretary),

Absent:

The meeting was called to order at 8:01 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 Feb. 23, 2017 meeting were approved.

Applications

1288 Nicholas and Elefteria Stathatos 256 E. Madison Ave Block 92.08 Lot 1

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'			
Side Yard Abutting/Lot	15'	14.5'	15'	
Combined Side yards	35'	39.5'	37.2'	
Rear Yard Set Back	30'			
Max. Livable Fl.Area	Variable			
FAR	34.32 %	33.56%	34.49%	0.17%
Lot Frontage	100'			
Lot Depth	100'			
Bldg Coverage %	20%	24.57%	19.36%	
Impervious Coverage	32.4%	50.34%	36.22%	3.82%
Variable				
Height	28'			
Lot Area.	10,000 sq.ft	9177.72		TECH
		sq.ft		
Driveway from Prop. line.	10'		4'	6'

The applicant proposes to construct a new single family home at the above address
The application was dismissed at the Feb. 23, 2017. The Application was resubmitted.
Proof of mailing to neighbors within 200', and publication were submitted.

Mr. David Watkins introduced himself as attorney representing the applicants.

Mr. Watkins testified that the previous application had 5 variances while the present application has only 2. The FAR variance is now 0.17% and the Impervious variance is 3.82%. The existing the required FAR is 34.32%, the existing is 33.56%, and the proposed is 34.49%. . The variance is 16 sq.ft. The Impervious Coverage is 32.4% , the existing is 50.3%, the proposed is 36.2%, which is a significant reduction.

The applicants have lived here for 18 years, they have kids. The kids are older and no longer want to live in the same room together.

I am going to call Mr. Mike Hubschman to go over what I just said.

Mr. Mike Hubschman, engineer, was sworn in.

Mr. Hubschman testified that initially, 2 months ago, the FAR was 40.2%, Impervious Coverage was 48%, and the Total Side Yard of 31'. We had the architect redesign the plan . Now the application meets the Total Side Yard, we have 37' Total Side Yard, where 35' is the required. We moved the driveway over 4'. The original application had the driveway right on the property line, which was a concern of the neighbor.

1288 Nicholas and Elefteria Stathatos 256 E. Madison Ave Block 92.08 Lot 1 (cont.)

Mr. Watkins said the issue before the board was whether or not the location of the driveway required any variance. The attorney, rightly so, indicated it does not. The site ordinance does have an issue as relates to the location of the driveway to the property line. Your attorney will tell you that that applies to a site plan application. It does not apply to a single family residential structure. Its really a moot issue. But, taking into consideration the board's concern, we have moved it.

Mr. Hubschman said we moved it 4'. Its in the site plan ordinance so it really doesn't pertain to a single family dwelling. The previous application had the horse-shoe driveway which we took off to reduce the impervious. We are slightly over the FAR requirement at 34.49%. The impervious coverage is still slightly over the 32.4 is the max and we are 36.2. The existing site is at 50 because the whole left side to the east is all paved with the horse shoe driveway. We are removing 1296 sq.ft.

There is no drainage on the site, so we are reducing 1200 sq.ft and adding 2 drainage pits.

Mr. Watkins said no variance is required to relocate the driveway.

Mr. Hubschman said we don't believe there is any variance- its 4' so its an adequate area for plantings.

Mr. Watkins asked there is significant area to go in and back-out from the safety standpoint ?

Mr. Hubschman said yes, yes.

Mr. Watkins asked about C1 and C2 ?

Mr. Hubschman said there is a hardship with the shape of the lot. The angle of the property, its irregularly shaped, narrow in the front. From the C2 standpoint, we are providing a sizable garage with aesthetic improvement, we are reducing quite a bit of Impervious Coverage. Going back to the hardship, there is a slope from left to right.

Mr. Watkins asked if granting the application will have a negative impact to on the zoning scheme plan of Cresskill ?

Mr. Hubschman said No, we are reducing Impervious by quite a bit, the FAR is nominally over, we did hold the 15' minimum side yard. It is a total re-design of everything.

Ms. Furio asked if anyone on the board had any questions, referring to the new plan ?

Ms. Furio said we have a question about the height of the ridge based on the slope.....?

Mr. Watkins said we strictly comply to the ordinance.

Mr. Watkins apologized for cutting Ms. Furio off, when she questioned the height.

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

Mr. Kassis made a motion to approve.

Ms. Batistic seconded.

Ms. Batistic said that the application before us is a tremendous improvement. The impervious area is reduced, and they are supplying seepage pits for the drainage.

Ms Furio said that she agrees with Ms. Batistic that the applicants did a very nice job.

The members of the board voted to grant the application.

Mr. Watkins thanked the board.

The application was granted.

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**Borough of Cresskill
Zoning Board of Adjustment
Public Meeting 8 pm
Agenda Mar. 23, 2017**

1297 Orly Amir 94 Park Ave. Block 167 Lots 7-8

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft		11.25'	3.75'
Combined Side Yards	35 ft		22.5'	12.5'
Rear Yard Set Back	30'			
Max. Livable Fl.Area FAR	(variable) 39%		40.4%	1.40%
Lot Frontage	100 ft	50'		TECH.
Lot Depth	100 ft			
Bldg Coverage %	20%		24.16%	4.16%
Impervious Coverage	(variable)			
Height	28 ft			
Lot Area.	10,000 sq.ft	5,000sq.ft		TECH.

The applicant proposes to construct a new single family residence with an FAR variance

Mr. Yuval Wellisch (Architect for the applicant) was sworn in and gave his credentials.

Mr. Wellisch testified that Orly is a resident in town. She went thru a long divorce and now is moving from one house . She wants to stay in town, so she bought a lot on Park. It is small about half the size that the zoning says it is supposed to be. 5000 rather than 10,000. And with 4 kids, youngest is 16. The required FAR is 1,941 sq.ft (38.8%) and we have 2,021 sq.ft (40.4%). We comply with everything else, except the FAR which is 1.4% up and the Building Coverage which is 4.16% above the allowed. Other than that everything complies. It's a relatively small house. It has 3 bedrooms. One kid will be in the basement in a legal bedroom. Somebody built a house very similar right down the street. About a year and a half ago.

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

Mr. Corona said you have 4 variances including the side yards.

Mr. Wellisch said that's what the Zoning officer told us to do because it replicates whatever happened in 73.

Ms. Furio asked if the house down the street was on the same size property ?

Mr. Wellisch said that it is the same size.

Mr. Kassis said that the plan does say 28', maybe its just the proportionality, the house looks higher than 28'.

Ms. Furio asked is there anyone for or against the application presented ?

Ms. Furio asked does anyone on the board have any other questions ?

Mr. Kassis made a motion to approve.

Ms. Batistic seconded.

The members of the board voted to grant the application

The application was granted.

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1298 Dor Shapir 12 Woodland Rd Block 191 Lot 3

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25 ft			
Side Yard Abutting/Lot	15 ft	9.8'	9.8'	5.2'
Combined Side Yards	35 ft	24.7	30.3	4.7'
Rear Yard Set Back	30'			
Max. Livable Fl.Area FAR	(variable)			
Lot Frontage	100 ft	85'		TECH.
Lot Depth	100 ft			
Bldg Coverage %	20%			
Impervious Coverage	(variable)			
Height	28 ft			
Lot Area.	10,000 sq.ft			

The applicant proposes to construct an addition.

Mr. Raul Mederos (architect) was sworn in.

Mr. Mederos testified that the property is a conforming lot on 10,000 sq.ft.

The lot shape is narrower than the 100' requirement. We have 85' in width and our lot is deeper than 125', therefore FAR and Impervious Coverage calculations have been taken within the first 125' of the lot. The existing house has a one car garage built in the 1950's.

We are proposing a 2nd story addition as well as a rear 2 story addition that extends towards the rear 8' 8" behind the main portion of the house. There is a 1' cantilever on the 2nd floor in the front which complies with the front yard requirement of 25' that portion is maybe 30' back. On the left side of the house behind the garage we are proposing a 2 ½ foot one-story rear cantilever to accommodate the guest bedroom suite on the first floor behind the garage. Right now it's a very narrow space that is 9' or 10' in depth and so we are just giving it a little more depth there.

We are converting the garage from a one car to a two car garage by expanding into what used to be an old den or strange awkward transitional space inside the house. So we are going to make better use of that, and create a two car garage, which is much more common these days in houses in the area.

The current wood deck is somewhat tiered. There is a wood balcony that extends off the right side of the house from the 2nd floor and has stairs that go down to a wood deck at the back. We are proposing to remove that with the rear addition, and rebuild the wood deck that completely conforms to all the side yards and coverage requirements.

On the 2nd floor, we are proposing 4 bedrooms.

The variances involved: the first technical variance has to do again with the fact that pre-existing the lot is non-conforming in width by 15' (85' instead of 100').

On the left side, the side of the garage, there is currently 9' - 8' at the front. The house is a little bit of a rotation on the property so as we get further back on the flat side it gets a little more wide.

Although we are not proposing to change anything there from what is currently existing on the first floor, we are proposing this 2 ½ foot cantilever that does conform to the side yard requirement of 15'. In addition, this 2 ½ ' rear cantilever is one story on the 1st floor cantilever so there is a small space underneath it. We did not want to propose a foundation there because there is a large old tree directly behind that we are trying to preserve.

We have been working with Mr. Shapir for the last 2 years looking for a property in Cresskill. Recently he came into possession here.

1298 Dor Shapir 12 Woodland Rd Block 191 Lot 3 (Cont.)

On the right side of the property, regarding the side yards, where 15' is required, at the rear of the existing part of the house, its 14.9'. So its just a hair less than the 15' requirement, and because of the rotation of the house on the lot, with its 8' 8" extension across the back, it might continue to get a little closer to the side. So, although my plans say 14.9, I want to mention that its possible that it might be 14.8 in reality, because of the rotation of the house on the lot.

This balcony which technically counts towards building coverage, as a structure that one can walk underneath, this extends, as you come down the stairs to this one deck, this extends 15' back right now currently from the house. We will demolish that and replace it with this 8' 8" extension across the back. So, in terms of the side yard encroachment, we are reducing the amount it encroaches on the side yard- some 15' to 8' 8". In addition, of course, we are only looking to continue the existing 15 non-conformance on that side going straight back with the addition.

The Combined Side Yard requirement is really triggered, primarily, by the 2 ½' one story addition on the left side. The bulk of the 2nd floor itself, conforms to the 35' Combined Side Yard requirement.

The 2 ½' one story cantilever only occupies 13 sq.ft in what would be this Combined Side Yard. So its only this 13sq.ft of a one story piece that triggers the Combined Side Yard variance. Otherwise, it would be a technical variance because it would be a pre-existing condition on the property.

The Impervious Coverage has been designed to conform. We are adding exactly 250 sq.ft. for the lot of Impervious Coverage, yet still conforming.
Building Coverage conforms by about 3% (478 sq.ft).

FAR conforms by 3.5% we still have 371 sq.ft of space before we hit the limit.

This morning, I took some pictures of the current house and the house across the street which I worked on about 5 years ago. There's also a house, just 2 doors down, that's currently being built, and probably larger than what we are proposing here. I would like to pass them out.

Ms. Furio requested that the pictures be marked A-1.

Mr. Mederos said the picture of the house across the street (15 Woodland Rd) was taken directly in front of our property and on an angle to also capture the house down the street. So, I would like to point out that we are in keeping up with the current street....

Ms. Furio said so the yellow house at the bottom is across the street from the subject property.

Mr. Mederos said since I was standing right in the middle of the subject property, its not directly in front of but somewhat diagonally from the house.

So the variances here are Side Yard and Combined Side Yard, everything else has been designed to conform.

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

There is no-one else in the audience to ask.

Mr. Kassis said should we approve this, the side yard, which you alluded potentially to be 14.9' in the application, we would have to have a specific number.

Mr. Mederos said I think 14.8' would be reality. Something that after the plans were prepared we came to realize. Regarding the rotation of the house this extends further back. Its probably in reality be a little less. Just in case, when the As-built survey is done, and they find it's a little less, we want to be ahead of that.

Mr. Kassis said 14.8 is your final number ?

Mr. Mederos agreed.

Mr. Kassis made the motion to approve the application with a 14.8' side yard. Differential from the original application.

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1298 Dor Shapir 12 Woodland Rd Block 191 Lot 3 (Cont.)

Mr. McCord seconded.

The members of the board voted to grant the application

The application was granted.

Memorialization

No memorializations were scheduled.

The meeting was adjourned at 8:36 pm