

Regular meeting of the Haworth Zoning Board of Adjustment on July 7, 2015, at the Municipal Center.

PRESENT: Dennis Posen, Chairman
Richard Ehrenberg
John Paquet
David Roth
Octavio Valdivia, Alternate 1

Alexander West, Board Attorney
Andrew Rosenberg, Council Liaison

ABSENT: Jeffrey Lester
Catharine Luby
Joseph Panzella
Laura Weingardner, Alternate 2

Mr. Posen called the meeting to order and upon roll call, the above Members were present.

Mrs. Luby, Mrs. Weingardner and Messrs. Lester and Panzella called to say they would not be able to attend this meeting.

Due notice of this meeting was given in accordance with the New Jersey Open Public Meetings Act.

ACCEPTANCE OF THE MINUTES

The minutes of the June 2015 meeting were reviewed.

Mr. Ehrenberg moved to accept the minutes as presented, subject to the rights of absent members for statements directly attributed to them.

Seconded by Mr. Roth and unanimously carried.

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CORRESPONDENCE

- Letter dated July 6, 2015, from Mr. Abramson asking that the Mordini Application be held over until the August 4, 2015, meeting.
- Letter from Paul Renauld relating to a zoning violation at 281 Lake Shore Drive.

2014 APPLICATION SUMMARY REPORT MEMORIALIZING RESOLUTION

The 2013 Application Summary Report Memorializing Resolution was reviewed.

Mr. Paquet moved to accept the Resolution as presented.

Seconded by Mr. Ehrenberg and upon roll call, the vote went as follows: Yes - Mr. Paquet, Mr. Ehrenberg, Mr. Roth, Mr. Valdivia, and Mr. Posen; No - none. Motion carried.

GOLDSTEIN APPLICATION

Frances Goldstein, of 374 Pine Lane, was sworn in.

Michael Collori, an architect from Leonia, New Jersey, appeared as an expert. He reviewed his background and experience and was accepted by the Board.

In essence, the following statements were made.

Mr. Collori stated that Mrs. Goldstein owned a 1½ story home, which had been built in the 1950s and she wished to construct an addition to the back of the house. He said that the lot was 12,500 sq. ft. and 15,000 sq. ft. was required. Mr. Collori said she would be adding an 8qX 12qeating area in the kitchen - a breakfast nook. He said it would be one story and the roof would blend in with the rest of the house; she would add plantings, and the addition would be a minor element to the back of the house.

Mr. Paquet asked if there would be a door leading from this addition to the outside and also asked how long Mrs. Goldstein lived in the house.

Mr. Collori responded that they would be installing a sliding door in that area.

Mrs. Goldstein said that she has lived in that house for 1½ years.

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Mr. Posen asked the Board if they had any questions about what was being proposed - but, there were none.

Mr. Posen opened the meeting to the public.

Donald Wright, of 366 Pine Lane, asked about the roof line. He also asked about the steps which would be coming from the sliding door to the outside.

Mr. Collori explained that it would be a shed roof which would work off the existing shed roof on the house.

Dianne Gates, of 382 Pine Lane, asked if they would eventually have a patio.

Mr. Collori said there would be a 15qX 15qpatio installed.

Mr. West asked about the setback in the front and whether the other houses were in the same line.

Mrs. Goldstein responded that all the houses were approximately in the same line.

Mr. Paquet asked what their hardship was in relation to the variance.

Mr. Collori explained that they had no control over the location of where the house had been placed. He said the lot was oversized but there were limitations as to where they could build. This was the only place where they could locate the addition.

Mr. Collori stated that there would be no effect to light, air and open space.

Mr. Ehrenberg stated that this proposal came as close to being *di minimus* as it could be and he, therefore, had no objections.

Mr. Roth agreed with Mr. Ehrenberg. He said it was a *di minimus* encroachment and he had no objections.

Mr. Octavia said he felt he could say that the addition could go to the other side of the house but he felt that the proposal was only a basic extension.

Mr. Paquet asked about the distance from the proposed patio to the property line and Mr. Collori responded that it would be 20 ft.

Mrs. Gates asked if the Board received certified letters from Ms. Parcel and Mr. David.

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She was told that they were received but are not entered into the record.

Mrs. Gates said she felt the addition would be an infringement on her rights as a property owner. She said she lived there 60 years and the addition would encumber her view.

Mrs. Gates said Mrs. Goldstein had taken 1½ years demolishing the house and now she was creating a breakfast nook. Mrs. Gates said that by allowing her to do this, it was going to be an obstruction to the view for every home in the area. She said it was an addition and not a breakfast nook and the Building Official denied her a permit. This addition was non-conforming and would be obstructing views which benefit the neighbors and other property owners. Mrs. Gates said she strongly agreed with the Building Official in saying she is not in compliance. She said that Mrs. Goldstein was a stickler for detail and should have thought of this addition when she did her other work. She reiterated that she strongly opposed this addition since it will only benefit Mrs. Goldstein.

Mickey Strumm, of 435 Pine Lane, stated that she was not exactly living in town any more but she still worried about the neighborhood. She said the people next door or down the block would all add on to their houses and it would become crowded.

Mrs. Gates said that when she got home that day, she saw a 6 ft. chain link fence erected even though she was told that only a 4 ft. fence was going up. Mrs. Goldstein was also now putting in a fence from that house to her (Mrs. Gates's) fence. Mrs. Gates asked if Mrs. Goldstein was allowed to put in a 6.-ft. high fence.

Mr. Posen explained that there was a Fence Ordinance and a permit was needed from the Building Official, and he knew what was allowed. He explained that whatever was done must be in agreement with the zoning ordinance and it was up to the Building Official to interpret the Borough's ordinance.

Mr. Posen told Mrs. Gates that if the house was closer to the street, the same addition would be allowed. Further, if the applicant put up a line of Poplar trees, she would not be able to have a view from her yard. He said that with regard to the fence specifically, she could go into the Borough Hall to get information.

Mrs. Gates asked that if someone wanted to put up trees which blocked the view, would that be allowable.

Mr. Posen told her that it would be. He explained that they have many people before the Board who wanted fences but the Board suggested putting up trees and landscaping instead.

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Mr. Wright asked about the patio coverage and the materials which would be used.

Mr. Posen explained that the ordinance addresses impervious coverage and if the patio was under the impervious limit, the Board would not tell people what material they should use.

Mr. Collori stated that the impervious coverage was below the limitation.

Mr. Posen noted that the Plan needed to show the coverage so that the Building Official had this information.

Mr. Posen entertained a motion.

Mr. Ehrenberg moved to approve the application as drafted.

Seconded by Mr. Roth.

There was no discussion.

Upon roll call, the vote went as follows: Yes - Mr. Ehrenberg, Mr. Roth, Ms. Valdivia, and Mr. Posen; No - Mr. Paquet. Motion carried.

ZAMPETTI APPLICATION

The following Exhibits were marked into evidence:

- A-1 - Site Plan
- A-2 - 10 photographs of the property

In essence, the following statements were made.

Genaro Saberino, an architect from Verona, New Jersey, was presented as an expert. He reviewed his background and experience and was accepted by the Board.

Suzanne and James Zampetti, husband and wife, were sworn in.

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Mrs. Zampetti said that they bought their house and over the years, their family grew. She said they have been in town for many years and love their house but it has become too small. Mrs. Zampetti said she had been dreaming of putting on an addition for many years especially since they had two teenagers and only one shower. She described the house.

Mrs. Zampetti explained that they would not be increasing the number of bedrooms but she would be making one larger and turning it into a master suite. They would need to make the dining room larger because she didn't have enough room for her eight siblings, and they would also be updating the kitchen.

Mr. Saberino said the street they were on had some curvature and odd-shaped lots. Their lot was only 11,000 sq. ft. and the requirement was 15,000 sq. ft. He explained that because of how it had been sub-divided, it created a strange setup. Mr. Saberino said that when they were planning their first idea, it was not too good for a variance. He referred to the present Plan to show how much would be added. Mr. Saberino explained that they needed an access to the basement so they put the stairs toward the back to the mud room, then they added a back room because they had an extremely small bedroom.

Mr. Saberino referred to the setback line and showed how it cut into the house, which was already non-conforming. He said that because of the existing conditions and odd-shaped lot, they were requesting 4 variances - for lot area, width, coverage, and rear-yard setback. Mr. Saberino said they had 32 ft. but 34 ft. were required.

Mr. Posen referred to the letter of denial from Mr. Renaud. He pointed out that it did not address the same variances which were named by the architect. Mr. Posen said they could not do anything about the minimum lot area but they needed a variance for minimum rear yard setback and coverage.

Mr. Saberino stated that there was an exception in the Ordinance prior to 1953. He said he did not have information which he could include in his documents and if it was prior to 1953, they would only need 2 variances. Mr. Saberino stated that the area and width were existing conditions.

Mr. Posen pointed out that there were rear encroachments which they needed to discuss.

Mr. Saberino stated that he presented his picture of the hardship with his explanation.

Mr. Ehrenberg stated that what the applicant was requesting was relatively little.

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Mr. Paquet commented on how it appeared.

There was discussion about what had to be done because of the hardship and they also talked about the porch.

Mr. Zampetti explained that they had to use this plan because the mud room and back room would have been crushed into the garage structure and it would have eliminated the back room downstairs forcing them to give up a full bedroom.

Mr. Posen asked about the proposed covered deck, its height off the ground, and the number of steps from the deck.

There was discussion about the height being 2 or 3 ft. and the number of steps.

Mr. Posen pointed out that all of us have a dream house but we have to live in reality. If they had proposed a patio, they would not have a problem but the deck was big and beautiful. He talked about alternatives. He said the Board was not there to tell them what to do but it would be nice to not have so much coverage. Mr. Posen then asked about the coverage variance.

Mr. Saberino said they had 2900 sq. ft. and 2800 sq. ft. was required.

Mr. Paquet said that if they looked at the uniqueness of the house, it would be a hardship. He asked what the difference would be between an open and covered deck.

Mr. Zampetti said they would have 100 sq. ft. of impervious coverage and they would only have to deal with steps.

Mr. Ehrenberg asked about what could be done with the left rear corner of the house.

Mr. Zampetti said he wanted them to think how it would be to put in a bedroom in the middle of the house.

Mr. Saberino referred to the Plan to show what Mr. Zampetti meant.

Mr. Posen asked the applicant if they were in a hurry to have the Board vote that evening..

There was discussion about amending the Plan.

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Mr. West explained that if they submitted an amended application to the Board, they would not need to send out additional notices. He said they would still have to get a variance and come back to the Board anyway.

Mr. Posen said the best scenario would be to table this matter, come back and be first on the agenda at the next meeting. They needed to submit an amended application for a variance in order to have a chance to get an approval.

Mr. Zampetti restated Mr. Posen's words to confirm his understanding.

Mr. Posen stated that they would table the matter and it would not be a new hearing.

Mr. West said that if they were going to amend the application and reduce the coverage, they would be giving the Board something to look at.

Mr. Zampetti asked if they needed to come back with amended drawings of an 8½ X 11 ft. deck.

Mr. Posen stated that this was an open application which has been tabled and the conversation would be continued. He said they were not prepared to vote on it this evening and they could revisit it at the next meeting.

Mr. Paquet asked what they would be requesting.

Mr. West stated that the new Plan should show everything including the set-back plan.

Mr. Paquet explained that showing everything on the amended Plan was necessary because of the uniqueness of their lot and set back lines so that the Board would know what they were looking at.

Mr. Zampetti again restated the explanation for clarity.

Mr. Posen reiterated that it was an open application.

Mr. Ehrenberg asked if they still wanted a covered deck and Mr. Zampetti responded that they would really like to have it.

Mr. Posen explained the conditions that would go with having a covered deck..

Mr. Zampetti asked if they should remove the requests for variances where the Board determined they were not required.

