

Regular meeting of the Haworth Zoning Board of Adjustment on May 7, 2013, at the Municipal Center.

PRESENT: Dennis Posen, Chairman
Richard Ehrenberg
Jeffrey Lester
Catharine Luby
John Paquet
David Roth
Lawrence Weiss
Bruce Zahor

Alexander West, Board Attorney
Andrew Rosenberg, Council Liaison

ABSENT:

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

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 January 2013 Regular and Reorganization Meetings were reviewed.

Reorganization Meeting

Mr. Ehrenberg moved to accept the minutes as presented.

Seconded by Mr. Roth.

Mr. Lester abstained since he had not attended that meeting.

The motion was unanimously carried.

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Regular Meeting

Mr. Roth moved to accept the minutes as presented.

Seconded by Mr. Ehrenberg.

Mr. Lester abstained since he had not attended that meeting.

The motion was unanimously carried.

CORRESPONDENCE

- Letter from Mr. West relating to a litigation matter.

This will be addressed in Closed Session.

- Annual Summary from Mr. West.

Mr. Posen noted that review of the Annual Summary is usually done earlier in the Spring but it wasn't possible since there weren't any meetings.

Mrs. Fay will be asked to put it on the agenda for the June meeting.

- Quarterly issued of the *New Jersey Planner*.

Copies were distributed to the Board for review.

- Letter from Mr. Kraus listing the schedule of deadlines for applications to be submitted in order to be heard at a Zoning Board meeting.

- Copy of Section 13-02, which amends chapter 26 of the Land Use Regulations adopted on March 12, 2013.

Members requested copies and Mrs. Fay will be asked to provide them for the June meeting.

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LANGE/EBY APPLICATION

Mr. Posen recused himself since he is a neighbor within 200 ft. of the subject property.

Mr. Lester took the Chair.

It was noted that there have been previous applications on file from this applicant for the same subject property.

Robert Lange and Jennifer Eby, husband and wife, of 591 McCulloch Place, were sworn in.

Conrad Roncati, architect, with an office located in Ft. Lee, New Jersey appeared as an expert.

Mr. Lester noted that Mr. Roncati had appeared before this Board on a number of occasions.

The Board accepted Mr. Roncati as an expert and in essence, he gave the following testimony.

Mr. Lester gave a history of the property. He said that there had been three previous applications for variances.

- One variance had been granted but the work was never performed and the variance lapsed.
- A different variance had been requested and granted and the work was done.
- Another variance for fencing was denied.

Mr. Roncati advised that the Plan dated April 8, 2013, was revised on April 30, 2013.

Mr. Lester noted that the members did not have copies of the new Plan.

It was agreed that the Survey would serve as the Site Plan this evening.

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Mr. West marked the following Exhibits into evidence:

- A-1 - Original Plan
- A-2 - Survey
- A-3 - Amended Plan dated April 30, 2013

Mr. Roncati said that he was asked to make changes to their house after Storm Sandy. He distributed photos of the applicants home, which included one showing the tree that fell into the center of the house and began the process.

Mr. West marked the photos as Exhibit A-4.

Mr. Roncati stated that the hurricane damaged the east side of the house and the roof and it was now uninhabitable. He said when this occurred, the home owners thought about reconstructing the house.

Mr. Roncati stated that the house had a very small kitchen and it also had very small bathrooms on the second floor so the applicants asked him to revise the original Plan.

Mr. Roncati went over the setbacks. he said that the north wing had a prior non-conforming 1 ¾ story structure and it didn't really have a full second story. Therefore, he said they were proposing to raise those walls to 8 ft. They were also proposing to elevate the roof to 8 ft. - they were not going any further to the north or east. Mr. Roncati pointed out that they were not going to go further with the nonconformance than already existed. He said that the yard to the north would be unchanged and the roof would go from 23.2 ft. to 27.5 ft high. Mr. Roncati said he felt the changes were diminimis in volume. The house would also have a new front porch on the east side and the kitchen would be enlarged. He said that everything else would conform including the volume and impervious coverage. Mr. Roncati explained that the difference between the April 8th and April 30th Plans was the aesthetics and type of roof - the new one would be a simple gable colonial and the original one had a farmhouse shape. He noted that now, less mass was being proposed. Mr. Roncati reviewed the other changes.

Mr. Roncati said that one benefit to going to the different roof was that it brought down the height. He said that it also eliminated their request for a non-conformance on the north side. Additionally, the garage seemed small because of the old roof design but because of the new design, it did not need to be increased.

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Mr. Roncati asked the Board for their consideration in approving the variance.

Mr. Lester asked for an explanation of the drawing.

Mr. Roncati provided additional photographs, which had been taken by the home owners after the storm.

Mr. West marked three pages - a total of 12 photographs - as Exhibit A-5.

Mr. Lester noted that the one of the differences between the April 8th and April 30th Plans was an increase in some of the porch area but it was all allowed in the footprint.

There was discussion.

Mr. Lester asked if the existing encroaching footprint would change and Mr. Roncati responded that it would not.

There was discussion about the damage to the roof and house caused by the fallen tree.

Mr. Lester opened the meeting to the public for questions.

There being no one to come forward, the meeting was closed to the public.

Mr. Paquet stated that there seemed to be a lot of consideration given in order to not make the house larger. He congratulated Mr. Roncati on a good job and good explanation.

Mr. Ehrenberg stated that since the Board had already approved a variance for a bigger addition at an earlier time, he felt there shouldn't be any problem with this request.

Mr. Lester noted that because the other variance had been approved more than one year ago, there was no obligation for the Board to approve this variance.

Mr. Ehrenberg responded that that the Board already gave them a permit and what they were asking for was less than what was in the earlier application so he wanted to say ~~yes~~ to the variance.

Mr. Lester agreed.

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Mr. Ehrenberg moved to approve a variance for the rear yard.

Seconded by Mr. Zahor.

Mr. Lester stated that the application that has been presented this evening was different than what had been distributed to their neighbors. He explained that the Board could ask the applicants to re-notice but he felt that it might not be necessary because what was being approved was less of a variance.

Mr. West agreed.

Upon roll call, the vote went as follows: Mr. Ehrenberg, Mr. Zahor, Mrs. Luby, Mr. Paquet, Mr. Roth, Mr. Weiss, and Mr. Lester; No - none. Motion carried.

Mr. Lester advised the applicants that the Board did not formalize the approval until the June meeting and people may object. Therefore, they had to wait 45 days before they started construction.

Mr. Posen then took the Chair.

NEW BUSINESS

It was noted that there was no any new business.

OLD BUSINESS

There was a question about the work which the service station was supposed to be going to their property as stated in the Resolution.

Mr. Posen said that he did not contact Mr. Kraus to find out what was going on but he would have a report at the June meeting.

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CLOSED SESSION

Mr. Posen announced that the Board needed to go into Closed Session to discuss a litigation matter.

Mr. Zahor moved to go into Closed Session.

Seconded by Mr. Ehrenberg and unanimously carried.

Mr. Posen went out of Closed Session and opened the meeting to the public.

There being no further business, Mr. Paquet moved to adjourn.

Seconded by Mr. Zahor and unanimously carried.

Respectfully submitted,

Dolores Fazio O'Dowd