

Regular meeting of the Haworth Zoning Board  
of Adjustment on June 4, 2013, at the  
Municipal Center.

**PRESENT:** Jeffrey Lester, Vice Chairman  
Richard Ehrenberg  
Catharine Luby  
John Paquet

Alexander West, Board Attorney  
Andrew Rosenberg, Council Liaison

**ABSENT:** Dennis Posen, Chairman  
David Roth  
Lawrence Weiss  
Bruce Zahor

Mr. Lester called the meeting to order and upon roll call, the above Members were present. Messrs. Posen and Roth called to say that 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 May 2013 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. Paquet and unanimously carried.

#### **EBY/LANGE MEMORIALIZING RESOLUTION**

The Eby/Lange Memorializing Resolution was reviewed.

Mr. Paquet moved to approve the Resolution.

Seconded by Mrs. Luby and unanimously carried.

For resolution see Page 22A of permanent minutes.

Regular meeting of the Haworth Zoning Board  
of Adjustment on June 4, 2013, at the  
Municipal Center.

### **CORRESPONDENCE**

Mr. Lester noted that there wasn't any correspondence other than that which pertained to matters on the agenda.

### **CEYLAN APPLICATION**

Mr. Lester explained that there were only four members of the Board present this evening and they would need three out of four votes in favor of the application in order for it to pass. He advised them they could choose to continue at a time when there was a full Board.

Mr. Ceylan said that he wished to go forward this evening.

John Ceylan, owner of the subject property, presently residing at 367 Bullard Avenue, Paramus and John Hanrenk, contractor, of New Milford, were sworn in and in essence gave the following testimony.

Mr. Lester distributed the Site Plan and Mr. West marked it as Exhibit A-1.

Mr. Ceylan stated that he was seeking a variance for his patio, which was approved at 20 X 13 ft, but now he wished to increase it to 20 X 20 ft.

Mr. Lester referred to Mr. Kraus' letter of denial.

Mr. Ceylan explained that they were not living in the house yet, however, construction has been started.

Mr. Lester noted that the patio encroaches into the rear yard and Mr. Hanrenk responded that it needed to be extended.

Mr. Ceylan stated that the property behind the house was vacant and the patio would not bother anyone. He said he thought it was owned by the town.

Mr. West asked if they inquired about the ownership.

Mr. West then stated that the application was in order.

Mr. Ehrenberg noted that the Plan called for a new elevated stone patio. He asked about the height.

Regular meeting of the Haworth Zoning Board  
of Adjustment on June 4, 2013, at the  
Municipal Center.

Mr. Hanrenk stated that it would be a 4 ft.-high concrete slab with stone around it and with six steps. He said that there would not be any cover.

Mr. Ehrenberg said that the reason for the variance was because of the size of the lot.

Mr. West noted that the Tax Map showed that other than Block 904 Lot 2, the entire block was owned by the Borough.

Mr. Lester asked if it was a corner lot and Mr. Ceylan responded that it was.

Mr. Ehrenberg said he felt that based on his observation, it was in a corner street and goes down and dangles to the left and would not call it a corner within the Zoning Ordinance.

Mr. Paquet asked if they had any intention to build on top later on and Mr. Hanrenk stated that they did not.

Mr. Lester asked if they had any contact with the adjacent property owners to see if they would sell some of their land to them and Mr. Ceylan responded that they did not.

Mr. Paquet asked if they could reconfigure their plan so that it would be a rectangle instead of a square. He asked if looking from the back of the house towards the right, was there any consideration to making the patio longer rather than square.

Mr. Hanrenk stated that they wanted to build it like this because it would interfere with a window.

Mr. Paquet referred to the Plan and stated that he didn't see a window next to the patio at this time.

Mr. Hanrenk replied that there was a window and if he moved the patio down, he would have to move it.

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

There being no one coming forward, Mr. Lester closed the meeting to the public and asked for comments from the board.

Mr. Ehrenberg stated that if they had a conforming lot, the setback would be different and he felt that the patio would be in compliance. He said that it was an oversized lot and what the applicant was planning would be acceptable and not be detrimental to the town. Mr. Ehrenberg said he had no reason to deny this application.

Regular meeting of the Haworth Zoning Board  
of Adjustment on June 4, 2013, at the  
Municipal Center.

Mr. Paquet said that there was a situation in the back with the window and he did not have a problem with the patio itself. The only problem he would have was if there was anything more than a railing on this structure. He also felt there could be no future construction to it.

Mr. Lester stated that they had to recognize that there are standards needed to grant a variance. He said that the property must have some type of unusual character, topography, etc. Mr. Lester said that if they had planned out everything at the beginning, they could have adjusted the plans to accommodate the window. He said that on the other hand, this property was surrounded by municipal property, which is certainly a special situation and could justify a variance.

Mr. Ehrenberg moved to grant a variance for this patio with the stipulation that it remain open and uncovered.

Seconded by Mr. Paquet and upon roll call, the vote went as follows: Yes - Mr. Ehrenberg, Mr. Paquet, and Mrs. Luby; No - Mr. Lester. Motion carried.

Mr. Lester advised the applicant that they must wait until the Memorializing Resolution was approved and until 45 days have passed before they could start construction. He said that until that time, he did not think a building permit could be issued.

Mr. Ceylan stated that he planned on having his children start school in Haworth in September.

Mr. Lester advised that it was not up to this Board -- it was up to Mr. Kraus and the Board of Education as to whether the children could attend the Haworth School at that time.

Mr. Ceylan stated that he had to move into his house by September 1<sup>st</sup>.

Mr. West asked why they couldn't move into the house without the patio being complete.

Mr. Lester advised the applicant that everything he did was at his own risk. He stated that the Resolution could not be passed until the next meeting and suggested that they speak with Mr. Kraus.

Mr. Lester called for a short recess.

Mr. Lester re-opened the meeting.

Regular meeting of the Haworth Zoning Board  
of Adjustment on June 4, 2013, at the  
Municipal Center.

**VERDON APPLICATION**

Mr. West noted that the notices were in order.

Mr. Lester advised the applicants that there were only four members present and they would need three votes in favor of the variance in order for it to pass. He said that they could wait for another time to have a full Board.

Mr. Verdon stated that they wished to proceed.

Joseph Verdon and Margaret Verdon, of 379 Orchard Place, were sworn in and in essence gave the following testimony.

Mr. Verdon stated that they wanted to replace the existing front porch with a new one. He said it was a Victorian home, which originally had a beautiful front porch, and they always dreamed of replacing what they had. He said that their present porch was dilapidated. Mr. Verdon said they wanted to move the porch out 3ft. more to the street and cover it.

Mrs. Verdon said that there was a bay window and they needed more room because of the way that the window sticks out. She explained that the concrete slab was falling apart and it was causing water to go into their basement. Mrs. Verdon said it was an eyesore. She presented a photo of the porch.

Mr. Lester pointed out that they were encroaching at this point and now they were asking to come out another 3 ft.

Mr. West noted that they had an existing encroachment in the side yard by .07 ft. and they had had an encroachment in the front.

Mr. Ehrenberg said that as he read it, in the Zoning Ordinance for a standard lot, applications call for a setback of 21 ft. from the street but because of the extreme size of the lot. He asked if the rest of the neighbors were at 25 ft.

Mr. West stated that this lot calls for a setback of 37 ½ ft.

There was discussion.

Mr. Ehrenberg asked how much larger this would be to the existing slab and Mr. Verdon responded that it would be 3 ft. larger and it would be covered.

Mr. Paquet asked if they knew how much space that would give them in front of the bay window.

Regular meeting of the Haworth Zoning Board  
of Adjustment on June 4, 2013, at the  
Municipal Center.

Mr. Verdon said he did not have that information.

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

There being no one to come forward, Mr. Lester opened it to the public for comments.

Vincent Volpe, of 235 Maple Street, was sworn in and in essence stated the following. He said that he was the applicants' neighbor and did not think the porch would have a negative impact.

Michael Felletter, of 397 Orchard Place, was sworn in and in essence stated the following. He said that in the age of McMansions, they welcomed a Victorian home. Mr. Felletter said it was a beautiful hold house, which appears to be on an oversized lot. He said that the house definitely needs a new front port. He also stated that every single house on the block was different.

Robert Hayng, of 385 Orchard Place, was sworn in and in essence stated the following. He said that his house was right next to the applicants' house and the setbacks were comparable. Mr. Hayng said that the porch was dilapidated and the new porch would beautify it and be an improvement to the neighborhood. He said he felt that the 3 ft. - encroachment would be irrelevant.

Dave Sion, of 369 Orchard Place, was sworn in and in essence stated the following. He said that he lived on the other side of the street from the applicants. He said that he moved to town over one year ago and the first thing he felt when he saw the applicants' house was that it needed a big front porch because it was Victorian. Mr. Sion said that their new porch would be the same distance to the street as his was now. He reiterated that the house needed a new porch.

There being no one else to come forward, Mr. Lester closed the meeting to the public.

Mr. West noted that they had it listed as a covered porch. He asked them to explain.

Mr. Verdon stated that it would only be on the first level.

Mrs. Luby asked how far out the steps would extend and Mr. Verdon responded that they intended to put in the same size that they had now.

Mrs. Verdon said there would be only three steps.

Regular meeting of the Haworth Zoning Board  
of Adjustment on June 4, 2013, at the  
Municipal Center.

Mr. West stated that this house probably pre-dated the Ordinance. Therefore, it meant it was pre-existing the non-conforming uses. He said that they already encroached 37 ½ ft and now they were asking for 3 ft. more. Mr. West said that the requirement would be 25 ft. if they only had a 100 ft. lot.

Mrs. Verdon asked if it would help that there has been an existing porch.

Mr. West explained that the Zoning Ordinance wants to them to conform to the existing ordinance.

Mrs. Verdon said that they wanted to restore the house back to the way it once was.

Mr. Paquet asked if the porch would be enclosed and Mr. Verdon responded that it will be open completely and never closed in.

There was discussion about the problems with the foundation.

Mr. West stated that once they had an additional encroachment, a future owner may want to do something else.

Mr. Verdon asked if there was something they could offer in the way to guaranty that it would not be changed.

Mr. Lester advised that once a variance was granted, it would run with the land.

Mr. Paquet asked if they knew any other setback measurements up and down the block.

Mr. Sion stated that one house was a lot closer to the street.

Mr. Hayng stated that his house was just about even with the applicants' house.

Mr. Paquet stated that he visited the subject property and he agreed that this house needed a porch.

Mr. Verdon said that the original porch was larger than what is on it presently and the replacement would be even smaller than the original.

Mr. Lester stated that if the existing porch was still there and you needed to replace it, this would still need a variance. He said that once you are non-conforming, anything you do have to come before the Board.

Regular meeting of the Haworth Zoning Board  
of Adjustment on June 4, 2013, at the  
Municipal Center.

Mr. Ehrenberg stated that the proposed porch was obviously an improvement on the property as everyone has observed and agreed. He said that they had to look at the benefits of moving it 3 ft. closer to the street. Mr. Ehrenberg said he was inclined to agree with the applicants but it was a close call.

Mr. Paquet said that part of the problem was that the house was on an over-sized lot and it was built closer to the street. He commented that the way it was placed on the property was odd.

Mr. Ehrenberg asked if the porch would stand out like a sore thumb if the variance was granted.

Mr. Verdon said it would not.

Mr. Paquet stated that he felt it would be an enhancement.

Mrs. Luby said that she felt conflicted but the porch would be an improvement to the neighborhood and she tended to think positive about the application.

Mr. Lester said he always goes back to the Ordinance and thinks about meeting the terms of whether there is some factor which requires a variance. He said that here we have a house which was built in a strange location and was unique to the property, and one which was not built by these applicants. Mr. Lester said that the enhancement will improve the neighborhood and would not be out of character to the adjacent properties. He stated that because this was what the applicants had to work with, he felt it was acceptable.

Mr. Paquet moved to approve the variance for the front porch with the stipulation that it not be closed in at any time or have a second story, and that there be no modifications.

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

Mr. Lester advised the applicants that the Resolution would be approved at the next meeting and people had 45 days to object so they should wait to do any construction.

Mr. Lester called for a short recess.

Mr. Lester re-opened the meeting.

