

PRESENT Bernard Troy, Chairman
Thomas Ference, Mayor
Andrew Rosenberg, Council Liaison
Andrew Anderson, Vice Chairman
Amy Albalah, Secretary/Treasurer
Edmond Ezra, Public Official
Robert Contillo
Tae Chang
Noah Adler, Alternate 1

John D'Anton, Board Attorney

ABSENT Stephanie Mitra
Robin Sodaro, Alternate 2

Mr. Troy called the meeting to order and upon roll call, the above members were present.

Mayor Ference gave notice that he would not be able to attend due to illness.

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

In essence, the following transpired.

ACCEPTANCE OF THE MINUTES

There was a request for corrections to the January 2021 Regular Meeting.

The minutes of the January 2021 Reorganization Meeting were reviewed.

Mr. Anderson asked that page 5, 13th paragraph, be changed to, "The Tree Ordinance relative to private property was passed to the Governing Body and they agreed that it was not necessary at this time."

Councilman Rosenberg moved to accept the minutes as presented, subject to the rights of absent members to to correct statements directly attributed to them.

Seconded by Mr. Ezra and unanimously carried.

The minutes of the May 2021 meeting were reviewed.

It was noted that Mr. Adler should be marked as being present.

Mr. Anderson moved to accept the minutes as presented.

It was also noted that corrections to grammar, etc., will be amended but not noted in the minutes.

Seconded by Councilman Rosenberg and unanimously carried.

RAPAPORT APPLICATION

Mr. D'Anton noted that the property owners within 200 ft. of the subject property were properly noticed as well as the utilities and others. Everything required had been determined to be complete on 5/21/21.

Mr. Capizzi, of Tenafly, New Jersey, appeared on behalf of the applicant. He explained that this application was for a subdivision of the property located at 417 Sylvan Place with the present property owner residing on one of the lots. He said that a Sub-Division Plan will be presented.

Mr. Capizzi told the Board that the applicant was proposing to divide the property into two lots consisting of one at 13,400 sq. ft. and the other at 13,277 sq. ft. with 15,000 sq. ft. being required for each; each will have a frontage of 112 ft. and 112.5 ft.; they conform to the Bulk Rate Requirement by 10%; they both comply with setbacks; and, coverage will be 20% and 25%, which was allowed.

Architectural renderings were presented with conceptual homes, which fit in well with other homes on that street. Photographs of the subject property were also submitted.

Mr. Capizzi then went over the variance criteria.

The following Exhibits were marked into evidence:

- A-1 Application for classification of a Sketch Plat by Messrs. Rapaport and Capizzi
- A-2 Proof of service
- A-3 Assessment
- A-4 Photographs of subject property on one page
- A-5 Architectural rendering of conceptual homes.
- A-6 Site Map

It was noted that the Board had received only one report dated 5/21/21. Mr. Capizzi was asked to speak with the applicant about this.

Mr. Lantelme, of Lantelme, Kurens & Associates in Hillsdale, New Jersey, was presented. He was sworn in and went over his education, licenses as an engineer and land surveyor, and experience. Mr. Lantelme stated that his licenses were in good standing. He was accepted by the Board as an expert.

Mr. Lantelme described the property, which included large trees, a swimming pool, a driveway and a shed. He also went over the elevations, the lot sizes, and the building areas.

There was discussion about the types of houses and changes that might be requested later on, and Mr. Capizzi stated that the Resolution would be attached and filed with the Deeds. He pointed out that the applicant was agreeable to changes for the side yard.

There was also discussion about the caveats that would be included with regard to future variances.

Mr. Capizzi said any future application for changes would require the prior resolution. A condition of approval with Bulk Table limitations would have to go back to the Board for it to be modified.

Mr. Lantelme advised the Board that building coverage on the lot was 21.6%, pavement coverage was 8.1%, pavement would be 9.3% and impervious coverage would be 35 to 40%, and drainage would not be a problem since the topography makes it straight forward. He said that there would be impervious surface in the driveway but everything else would be going to the catch basin. Mr. Lantelme said that Lot 8.02 would have very little added along the common property line, and there will not be any trees on Lot 8.01.

Mr. Lantelme said that there is a proposed pool and patio so the trees can be built in the back and right side. He said this was a reasonable amount of landscaping. It is sometimes hard to put in additional trees; there would be drainage, privacy would not be affected, the pool will have a fence according to Code, and there wouldn't be any noise. He elaborated.

There was discussion and then Mr. Capizzi stated that the applicant would be happy to plant trees.

Mr. Lantelme was asked that if they took their lot with trees and compared to the development of the lot and the seepage pit, how much water would hit the ground. He said he could not answer that question or do a calculation.

When Mr. Anderson asked Mr. Lantelme if storm water was required to have no net increase, he responded that it was raw land. Further, he said all water that hits the roof would be backing up by the pool, and it would be fine just as long as they have drainage in place. Mr. Lantelme said that the rule was to have no increase in run off. He referred to the original survey for when they did the calculation. He stated that there would be no runoff.

Joel and Karen Mitnick, of 429 Sylvan Place East wished to be heard. Mr. Mitnick said he had concerns because there was a tree which might be 100 years old and it might be compromised because of digging.

Mr. Lantelme explained that they would have to be careful when digging. He said those trees were not that close, so his answer was, no.

Mr. Capizzi stated that there would be tree protection.

Mr. Uri Rapaport, of 15 Franklin Street, Tenafly, New Jersey, was presented as a licensed architect. He went over his licenses, education, and background. The Board accepted Mr. Rapaport as an expert in architecture.

Mr. Rapaport said he was the father of the applicant. He said that he created Exhibit A-4. Mr. Rapaport stated that he has canvassed the neighborhood, has been there many times and knows the neighborhood. He then described the different houses there – which included some that were traditional with front porches. He said that the architecture was varied but typical to Haworth and the homes they were proposing to build would blend in. Mr. Rapaport then referred to renderings with examples of possible-styled homes in order to point out the pitch of the roofs, windows, and two-car garages, which he said, would all be appropriate.

Upon questioning by Mr. Anderson, Mr. Rapaport said that the garages would be in the front of the house.

Upon questioning by Mr. Contillo, Mr. Capizzi stated that they would be willing to say the houses would be traditional with a two-car garage, and pitched roof in order to conform to the neighborhood. He said that they were looking to continue the look of the streetscape.

Mr. Capizzi stated that he had nothing further to say at this time.

Mr. Troy opened the meeting to the public for questions of this witness.

Mr. Mitnick, of 429 Sylvan Place East, stated that there were no elevations shown and the structures were supposed to be less than 35 ft. He asked how many stories the homes would have.

The architect responded that the Ordinance allowed up to 35 ft., which is 2 stories. He then said that in their neighborhood, the homes were 35 to 45 ft. wide and the proposed homes seemed to be 75 ft. wide, which would make them bigger than the other houses.

Mr. Capizzi replied that they did not have evidence to support the dimensions.

The architect stated that they had not measured the homes on that street. He said that the right design should be taken into consideration.

Mr. Mitnick responded that he felt the facade of the house should not be overpowering.

The architect explained that they did not intend to have a box for a house and they would create a front porch.

Mr. Mitnick referred to the renderings of different types of houses and there was discussion. The architect said they would not feel very wide.

Mr. Anderson stated that he was concerned that the Board was getting into aesthetics with the Limiting Schedule.

There was no one else to come forward so the meeting was closed to the public for questions of this witness.

David Spatz of 60 Friend Terrace, Harrington Park, New Jersey, was presented as a professional planner. He went over his education, background, experience, and licenses. He said that he visited the property, reviewed the Master Plan and Zoning Ordinances and also prepared testimony for this evening. Mr. Spatz explained what the applicant would like to do.

Mr. Spatz said that 2 C-Variances were being requested. Lot 8.01 would be 13,400 sq. ft. and Lot 8.02 would be 13,377 and 15,000 sq. ft. were required for each. He said they were still consistent with the Zone since the Lot 8.01 was 112 ft. wide and Lot 8.02 was 112.5. He pointed out that the three lots across the street from the subject property were 75 ft., 75 ft. and 85 ft. wide, which are significantly narrower than the proposed homes. He did not know when they were built. Mr. Spatz said that the proposed lots were more conforming with the neighborhood and indicates that the variances could be granted. He also pointed out that to build only 1 home instead of the two would be out of scale. The proposed idea would be a better planning design.

Mr. Spatz said the positive criteria was met. He said they could be fully conforming in the back and they would be willing to say that the homes would be within the Ordinance. For the negative criteria, he said that nothing shows that there will be runoff, there would be sufficient parking, and the Master Plan from 2020 shows that it was consistent with the Master Plan. He stated that he felt it was appropriate to grant the variance.

There was discussion relating to the widths of other lots in the neighborhood. Mr. Spatz talked about how they were non-conforming and narrower than the proposed lots.

Mr. Capizzi stated that the redeveloped lots would be larger with bigger setbacks under the Bulk Table, which would be positive criteria. He said that the new lots would be consistent with size of those in the neighborhood and would meet the development pattern of the neighborhood. He reiterated that their proposed lots were still larger than other lots in the neighborhood. Mr. Capizzi stated that their lots, although undersized in width, meets the zoning parameters and there is nothing negative about this one. Further, Mr. Capizzi said that the issue was that the other structures did not meet the setbacks but on the subject property, even though it is 12.5 ft. narrower it meets and exceeds the setback.

Mr. Capizzi stated that in terms of negative, it has been demonstrated. He pointed out that 6 lots on that street are undersized and they are even more than the proposed lots. Those lot areas are not consistent.

Mr. D'Anton asked if with relation to the Master Plan, this neighborhood Zoning Ordinance could be changed in any way

Mr. Spatz said he did not think it could. He asked about impervious limits and Mr. D'Anton told him that the Haworth Zoning Ordinance for this lot was one family. He pointed out that the applicant could build a larger house instead since when that subdivision is created, the open space on the lot would be reduced.

Mr. Spatz said there would be 2 structures with density, so it would be like those structures which are already there with a similar impact. He said that a home which goes to the max could have less open space. Also, there would be more open space in the middle of the two homes.

There was discussion.

Mr. D'Anton told Mr. Spatz that his testimony was that their lot was the largest in the area.

Mr. Spatz responded that it was the largest lot and it could be made into 2 lots, which would be more consistent with homes on that street rather than 1 larger home on 1 larger lot. He said that would be more consistent with the neighborhood. Mr. Spatz said that what they were proposing was an alternative.

Mr. Contillo pointed out that properties like Lot 1014 were all single-family lots for single-family homes. He talked about some of the others that were the same. The lots were reviewed with square footage and width.

Mr. Troy opened the meeting to the public for questions of this witness.

Since there was no one to come forward, the meeting was closed to the public for questions of this witness.

There was additional discussion about lot areas and footprints. Reference was made to Exhibit A-9.

Mr. Lantelme said he felt this was a fair plan and it would be better than just building one house. Doing that would make it way out of scale and not consistent with the neighborhood, and there would be less light and air for the neighborhood, across the street, and beyond. He elaborated.

There was a question about the dimensions of the house on Block 116, Lot 7, which was the largest on the block. However, Mr. Lantelme said he did not know.

Mr. Capizzi requested a break, however, after a brief discussion, it was agreed to open the meeting to the public.

Mr. Troy pointed out that the hour was getting late and they still had to hear from the Board's Engineer. He felt that it would be best to carry the hearing over to next month.

Mr. Capizzi agreed.

Mr. D'Anton stated that the Planner was requested to be addressed, including landscaping and drainage, at the November 17th meeting.

Councilman Rosenberg said they would be speaking to Mrs. Fay. He said that they could carry this hearing to November 17th with no further notice. Councilman Rosenberg said that the public could also make their statements under oath at that time.

Mr. Troy entertained a motion to continue this hearing until November 17, 2021.

Mr. Ezra so moved.

Seconded by Mr. Anderson, and upon voice vote, all members voted, "Aye."

MAYOR'S REPORT

The Mayor's Report was not available due to his absence.

COUNCIL REPORT

Councilman Rosenberg did not have anything to report at this time.

ATTORNEY'S REPORT

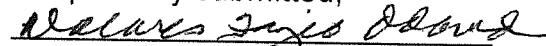
Mr. D'Anton told the Board that if anyone decided that they needed more information on this application, they should contact him. He said they should not be in a position where they come back to the next meeting and express the need for more information.

Mr. D'Anton reported that there were no other cases scheduled at this time.

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

Seconded by Mr. Troy and unanimously carried.

Respectfully submitted,


Dolores Fazio O'Dowd