

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

PRESENT: Dennis Posen, Chairman
Richard Ehrenberg
Jeffrey Lester
Catharine Luby
Joseph Panzella
John Paquet
Octavio Valdivia
Laura Weingardner

Alexander West, Board Attorney
Andrew Rosenberg, Council Liaison

ABSENT: David Roth

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

It was noted that Mr. Roth was not 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 February 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 Ms. Weingartner and unanimously carried.

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

CORRESPONDENCE

- Summary of Variance Cases in 2015 from Mr. West
- Letter dated April 6, 2015, from Mr. Watkins asking that they carry the Latte Application until the May 6th meeting date.

A stipulation to extend time was included.

Correspondence to the Mayor and Council from Mr. Watkins relating to a request from Mr. Latte to purchase Borough-owned land.

- Letter dated March 3, 2015, from Mr. Watkins asking the Board to postpone the Latte Application hearing until the Mayor and Council addressed their request.
- Correspondence to the Borough Engineer asking for information on the paper street and on how the wetlands might be affected by the sale of the subject property.
- Copies of letters sent to new Board members advising them of their requirement to attend the Land Use Planning Course.
- Certificates of Completion for the Land Use Planning Course issued to Councilman Weiss and Mr. Panzella.
- Correspondence without a date as an introduction to the Lee Application.

Mr. Posen said he suspected that it did not make it on time to get into the applicant's package.

Mr. Posen explained that essence of this letter was that the rear property line of Mr. Lee's property was owned by the Borough. He said that this letter was addressed to the Planning Board and it expresses the Lee's interest in purchasing the Borough's attached property. Mr. Posen stated that the request was not so much based on a coverage issue; it was about protecting and cleaning up that property as well as adding more property to their own land.

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

LEE APPLICATION

Johnnie Lee, of 121 Pleasant Street, was sworn in.

Adam Gorga, of Woodside Pools, Wayne, New Jersey was also sworn in. He said he would be giving testimony but not as an expert.

In essence, the following statements were made.

Mr. Lester stated that he resided at 83 Pleasant Street, which is outside of 200 ft. surrounding the subject property, however, if Mr. Lee had a problem with him sitting on the Board for this hearing, he would recuse himself.

Mr. Lee said that he didn't have any objections.

Mr. West stated that he was fine with it.

Mr. Gorga stated that Mr. Lee had purchased a unique lot and the issue for this application was pavement and lot coverage because of the installation of a new pool. He said that the pool would have an automatic cover, that the drainage plan was extensive, that the water would not run off the property, and that it wouldn't have an effect on anyone in the area. Mr. Gorga stated that the adjacent property to the rear of the Lee property was owned by the town.

Mr. Gorga explained that the applicant shrunk the size of his existing patio so that they would keep the extension to the minimum.

Upon questioning, Mr. Gorga stated that they removed a portion of the patio to come closer to meeting the requirements and they couldn't remove any more because they need an area for their table and chairs. The sitting area would be 8 ½ ft. wide. He said they removed the side closest to the patio and there would be no hardscaping other than the 3 ft. walkway. Mr. Gorga stated that the area surrounding the pool would be permeable for drainage.

Mr. Posen stated that hypothetically, they could require that the patio coverage be permeable to make sure that it would not be concrete.

There was discussion about pavers, drainage, and permeable material.

Mr. Gorga stated that the applicant was only adding 600 sq. ft. of coverage to this lot of 12,000 sq. ft.

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

Mr. West interrupted the hearing to note that there were some receipts missing. He went over the names. Mr. West said that they weren't really necessary but it was necessary to have proof that the notices had been mailed.

Mr. Gorga stated that he had the receipts at his office and would get them to Mr. West in the morning.

Mr. West noted that the Board didn't have jurisdiction to decide this case unless they have proof of mailing.

Mr. Gorga reiterated that he would give the receipts to Mr. West in the morning.

There was discussion about the 360 ft. apron around the pool and the fact that they could have a walk made out of permeable pavers.

There was also discussion about this being two separate lots.

Mr. West asked if Mr. Lee had requested purchasing property on Pleasant Street..

Mr. Posen referred to the applicant's letter, which had been sent to the Planning Board. He said it was independent to this application but was, nevertheless, also sent to the Zoning Board.

Councilman Rosenberg stated that Mr. Lee had not yet received a response from the Mayor and Council but his request would be addressed at a meeting. He noted that it was a buildable lot.

Mr. Posen stated that in relation to the coverage issues, if the lots were combined, they would not need a variance on a lot that size.

Mr. Posen asked the Board if they had any thoughts, questions, or opinions.

Mr. Lester stated that he felt that this application was pretty *de minimis* and the applicant had gone through great lengths to make sure there were no drainage problems.

Mr. Posen asked if they would be more comfortable if they required that the area be 50% permeable.

Mr. Gorga stated that if the Board wants 50%, that is what Mr. Lee will do.

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

Mr. Paquet moved to approve the application as presented, without provisions for permeable pavers.

Seconded by Mr. Panzella.

Mr. Lester stated that he felt that part of the Board's obligation was to follow the Ordinance as much as possible. He said that since there was a way to further reduce the impact by simply requiring 50% permeable products, he was going to vote against the motion as proposed.

Mr. Paquet said he did not know exactly what they were.

Mr. Lester pointed out that the builder said it would not be a burden to use permeable pavers.

Mr. Gorga stated that they were ruling out any concrete stone, which would be 50% coverage. Nevertheless, Mr. Lee would have to like the material used.

Mr. Posen stated that there was no clear definition for the pavers they were going to use and he supported Mr. Lester. He said that they had to work with the applicant and he would rather they stipulate that any product which meets the Borough's requirement for a 50% permeable product would be acceptable.

Mr. Paquet amended his motion to Mr. Posen's recommendation.

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

It was noted that there were a sufficient number of members to vote on this motion. Therefore, since Ms. Weingartner is a second alternate, she was not eligible to vote.

Mr. Lee was advised that the Building Official would not issue a permit until the Memorializing Resolution was approved.

Mr. West reminded Mr. Gorga that he needed the receipts right away.

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

COUNCIL REPORT

Councilman Rosenberg reported on the following.

- The Mayor and Council will be considering the sale of land to Mr. Latte within the next two weeks.

ADMINISTRATIVE

Mr. Posen stated that he would invite the new Building Official to the next Zoning Board meeting.

There being no further business, Mrs. Luby moved to adjourn.

Seconded by Mr. Ehrenberg and unanimously carried.

Respectfully submitted,

Dolores Fazio O'Dowd