

Regular meeting of the Haworth Zoning Board of Adjustment on October 6, 2020.

PRESENT: Dennis Posen, Chairman
Jeffrey Lester, Vice Chairman
Joseph Panzella
Michael Pilsbury
Lawrence Ross
Alexander Vierheilig, Alternate 1
Jennifer Eby, Alternate 2

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.

In essence, the following transpired.

ACCEPTANCE OF THE MINUTES

Minutes of the September 2020 were reviewed.

Mr. Panzella moved to accept the minutes as presented, subject to the rights of absent members to correct statement made directly by them.

Seconded by Mr. Ross, and upon voice vote, all members voted Aye and the motion was carried.

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AGENDA

Mr. Posen reviewed the Agenda.

- 2019 Zoning Board Annual Report Resolution
- Alkobe Memorializing Resolution
- Buckley Application
- Building Official's Fence Report

2019 Zoning Board Annual Report Resolution

Mr. Posen entertained a motion to approve the Resolution.

Mr. Ehrenberg moved to approve the 20219 Zoning Board Annual Report Resolution

Seconded by Mr. Panzella, and upon roll call, the vote went as follows: Yes – Mr. Ehrenberg, Mr. Panzella, Mr. Ross, Mr. Pilsbury, Mr. Vieheilig, and Mr. Posen; No – none. Motion carried.

ALKOBE MEMORIALIZING RESOLUTION

The Memorializing Resolution was reviewed.

It was noted that the members eligible to vote on this matter were Mr. Panzella, Mr. Pilsbury, Mr. Ross, and Mr. Posen.

Mr. Posen entertained a motion.

Mr. Ross moved to approve the Alkobe Memorializing Resolution.

Seconded by Mr. Ehrenberg and upon roll call, the vote went as follows: Yes – Mr. Ross, Mr. Ehrenberg, Mr. Panzella, Mr. Pilsbury, and Mr. Ross; No – none. Motion carried.

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BUCKLEY APPLICATION

John Buckley, of 155 Brook Street, was before the Board to ask for a variance for impervious coverage.

Mr. Posen noted that although the application states there were no other variances requested on the subject property, one had been granted on April 4, 2000. He said that John Paquet was the Chairperson at that time and he had been absent from the meeting.

Mr. Buckley and the Professional Advisor were sworn in.

Mr. Michael Dipple, Civil Engineer, with an office in Englewood, New Jersey went over his education, background, experience, and licenses in New Jersey and New York.

Mr. Dipple was accepted by the Board.

Mr. Dipple stated that Mr. Buckley was before the Board to request a variance for excessive impervious coverage for an in-ground pool. He introduced the Site Plan. Mr. Dipple shared his screen so that everyone could view the Plan virtually. This Plan was marked as Exhibit A-1 through A-4, dated 8/27/2020 and consisted of 4 sheets. It showed St. Nicholas Avenue on the north, Brook Street on the west, and the the rear of the property on the east. He described the property.

Mr. Dipple said that the proposed pool was an in-ground Hampton style pool of moderate size and they were aiming for a paver patio of 8 ft. X 17 ft. on the north side. He said it would all be tucked back in the yard and would not be visible from St. Nicholas Avenue or Brook Street. The applicant was requesting a variance for pavement coverage.

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Mr. Dipple said that 40% was permitted - they were at 32.02% and would be at 35.5%. The building maximum requirement was 25% and they were at 14.8% so they were not seeking a variance for building coverage. The pool with the patio would be at 18.64% and the maximum requirement was 17.34%.

Mr. Dipple said there was a prior variance for a covered porch in front of this house. He explained that one had already existed but it was modified and the driveway existed when they purchased the house, the setbacks were existing non-conformities and the pool met the required setbacks. Soil Erosion and Sediment Control measures had been taken and the related document was Exhibit A-4. Mr. Dipple said that was all of his affirmative testimony.

Mr. Posen asked Mr. Buckley if he had been in touch with the previous property owners because he wanted to know how impervious conditions were granted in the first place. Mr. Posen pointed out that it was not included in the previous variance. He wanted to know why the property was already over the requirement for impervious coverage.

Mr. Buckley said that the driveway and back patio were the same as always. He said that everything there was the exact size as when they had purchased the house.

There was discussion and Mr. Dibble said he would have to look up the definition of impervious coverage and whether a pool was included in it. He did and the Ordinance showed that it included pools.

Mr. Ehrenberg pointed out that a few years ago, the Board made a pool part of the impervious coverage.

There was discussion about the size of the pool, patio, coping, and grassy pavers and how to calculate the impervious surface. There was also discussion about pavement coverage and impervious coverage.

Mr. Posen opened the meeting for questions.

Mr. Dipple said that he deals directly with the engineer. He said they were proposing a dry well to mitigate storm water and he felt confident about it. Mr. Dipple then explained how they calculated the additional runoff in order to mitigate it.

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Upon questioning, Mr. Dipple stated that there was now a fence on the Site Plan, which ran along the back of the property and ran down to the home and links up with the fence on their neighbor's property. He said that it would meet the requirement.

Mrs. Gallagher advised Mr. Posen that there weren't any members of the public logged on to Zoom.

Mr. Pilsbury said that from his perspective, the fact that they were only adding a couple of feet and they would have a dry well made him inclined to approve.

Mr. Ehrenberg said that it was de minimis and that most concern was that it is too close to the street and neighbor. He said he felt it was relatively minor and he was inclined to go along with Mr. Pilsbury and view it as favorable.

Mr. Lester said that his concern was not just the 289 ft., now it was the percentage difference from the 15 to 8.6%, which was over 20% above the variance. Mr. Lester said he would like to think that there was some way to reduce it and he would like to see the impervious pavers.

Mr. Pilsbury pointed out that this would be in the backyard and no one would see it.

Mr. Lester responded that he did not feel that the pavement was aesthetic – they were dealing with runoff.

Mr. Dibble was asked if there was a calculation for the dry well against pavement coverage. He was asked for the ratio and responded that it was one gallon of runoff for every square foot. Mr. Dibble said they came up with 900 gallons of storage needed.

There was discussion about the calculations.

Mr. Ross commented that when this gets reviewed by the town engineer it would be decided if the pit is sufficient.

Mr. Lester asked if putting in a dry well was a good trade off in this situation.

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Mr. Posen commented that he did not understand the difference between blue stone and grassy paves and they did not know how all of the impervious surface got there or who approved it. He said he would ask that whatever was underground be sized to accommodate runoff because of additional pavement coverage.

Mr. Dibble said that he was only 16 sq. ft. off from meeting the requirement. He elaborated and said 18.64 would go back to 15 and if he up-sized it, it would meet both criteria.

Messrs. Lester and Posen said that it would satisfy them.

No one else came forward to speak.

Mr. Posen entertained a motion.

Mr. Lester moved to accept the Site Plan with the modifications discussed, the dry well must be sufficient and is allowable at 15% to the amount as built.

Seconded by Mr. Ehrenberg.

Mr. Pilsbury asked if they were going to make the dry well bigger and he was told that they would do so.

Mr. Dipple said it would be directed from the lawn runoff.

Upon roll call, the vote went as follows: Yes – Mr. Lester, Mr. Ehrenberg, Mr. Panzella, Mr. Ross, Mr. Pilsbury, Mr. Vieheilig, and Mr. Posen; No – none. Motion carried.

Mr. Posen advised the applicant that they would put this in written form and a Resolution would be ready next month. He asked them not to go for a Building Permit until after the Resolution was approved.

FENCE REPORT

Mr. Posen went over the background of how these reports started. He said that the information on the reports will stay on for only one month. They will solicit from the Board going forward and if there are any specific questions, the members can bring them up.

