



Borough of Haworth
 ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES

Tuesday, December 3, 2024 @ 7:30PM

OPEN PUBLIC MEETING ACT ANNOUNCEMENT

Mr. Panzella opened the meeting at 7:30 pm with the open public meetings announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of the meeting was made. It is included in the Annual Meetings posted on the bulletin board in the Municipal Center. Copies have been emailed to the BERGEN RECORD. A copy has been filed with the Borough Clerk, and copies have been provided to individuals requesting the same.

ROLL CALL

Present: Mr. Lester, Mr. Pilsbury, Mr. Ross, Mr. Vierheilig, Mr. Weiss, Mr. Martinez, Mr. Panzella, Mr. Heitzner

Absent: Ms. Eby

MINUTES FOR APPROVAL

June 4, 2024 minutes Mr. Vierheilig moved to approve the minutes, second Mr. Pilsbury. All in Favor. Carried.

INVOICES FOR REVIEW

Trenk Isabel Siddiqui & Shahdanian	Attendance 6/4/2024	\$ 250.00
Trenk Isabel Siddiqui & Shahdanian	Attendance 5/7/2024	250.00
Trenk Isabel Siddiqui & Shahdanian	Attendance 4/2/2024	250.00
Trenk Isabel Siddiqui & Shahdanian	45 Morris Ave – professional services	858.00
Gannett	45 Morris Ave. Notice of Decision (Escrow)	14.08
Gannett	Notice – cancel Oct 2024	9.24
Gannett	Notice – cancel Nov 2024	11.44
Amazon	Name Plates	31.96
Carolyn Lee	Attend, Minutes & Admin (6/4/2024)	<u>255.00</u>
	Total	<u>\$1,929.72</u>

Mr. Lester asked for confirmation that attorney expenses outside of the meeting are charged to escrow, and they are.

Mr. Ross moved to approve the invoices, second Mr. Lester.

VOTE: Ayes: Mr. Lester, Mr. Pilsbury, Mr. Ross, Mr. Vierheilig, Mr. Weiss, Mr. Martinez, Mr. Panzella. Carried.

HEARINGS

1. 3 Schraalenburgh Rd (Block 1800/Lot 2) – Front yard setback for a canopy

The application was accepted as complete and properly notices. Matthew Capizzi, attorney for the applicant, introduced the application and explained that the applicant would like to add a canopy

over the gas pump islands. He explained that the work would have a safety benefit, keeping employees from having to walk on ice and snow/rain and an environmental benefit as rain runoff would be channeled into a catch basin. The curb work that had previously been considered is being done by the County. This would be a D variance application (an expansion of a non-conforming use). Mr. Vince issued a review letter on 10/29/24. One of the comments therein concerned toning down the signage. This will be addressed. There are no environmental conditions at the site currently. The owner or other experts will testify to all statements the attorney made in his opening.

Calisto Bertin, engineer for the applicant (66 Glen Avenue, Glen Rock) was sworn in and accepted. He stated that gas station design is one of his firm's areas of expertise.

The following were marked:

A-1 Landscape Rendering (12/3/24) and Site Plans (7/3/24)

C4.1 Drawing of Canopy

A-2 Photograph of Sign

A-3 Photo of existing site

Mr. Bertin stated that the borough engineer designed the curb work that is being done by the County and that the cross walk was moved to where it now occupies the entrance driveway to the site. Thus anyone coming north will have to enter from Massachusetts Avenue. The entrance will need to be widened. The Board attorney asked about the radius discussed in the Board engineer's letter. Discussion. The site as it stands was described. The price sign that now stands at the island is proposed to be moved. The two existing lights are proposed to be removed and the foundation used for the canopy. The lights closer to Schraalenburgh will be lower than usual. He also described the runoff being minimized by proposed plantings. The pavement will be reduced by 850 square feet. Evergreens and landscaping will be added. The canopy will be plain white with internally illuminated Sonoco letters on the side. It will not have the Sonoco racing stripe or any additional lighting beyond the letters and the downward-facing lights under the canopy. The fascia will be 3 feet; the canopy 25 feet wide by 47 feet long. The height of clearance will be 15 feet, 6 inches. The lettering themselves will encompass 23 square feet. A sign is proposed for the corner of the property, so only one set of lettering is needed for the canopy. It will not be a monument sign, as that would interfere with the sight triangle. One building sign will remain. The design of the entrance to the site will be revisited and agreed upon between the applicant's engineer and the Board engineer. There is no increase in impervious coverage. There will not be an increase in runoff. There will in fact be a small decrease in runoff, and the water that falls onto the canopy will be channeled into the columns and then onto the landscaped ground. Mr. Bertin did not take any issue with comments made in the Board engineer's letter of 12/2/24. Several items were discussed. Discussion about the sign placement. The applicant's engineer suggested placing a light in the corner where cars are stored for safety. Half a foot candle will shine into the middle of Schraalenburgh. The Board attorney stated that the Board can restrict the intensity of the lighting. There is no additional lighting on the side of the property that has neighboring homes. The Board

engineer, who had suggested the light near the cars, suggested that it be left on all night, even when the station lights are turned off. An existing dumpster is not in an enclosure, although it is required to be enclosed. Mr. Bertin suggested enclosing it with a chain link fence. The Board attorney confirmed that EV parking spots are not required in this situation. Councilman Rosenberg asked for clarification on light (specifically the red gas price light) that will escape across Schraalenburgh. Discussion. The lighting should not be an issue. A post-construction site study will be done to ensure that the lighting is appropriate.

The meeting was opened to the public for questions of the applicant's engineer.

Evelyn Stokvis (25 Pine Street) asked about the height of the building. Mr. Capizzi stated that a condition could be that the canopy will be below the ridge of the building. Ms. Stokvis also asked about the water that will go into the ground. Mr. Bertin confirmed that it will go into the ground. Ms. Stokvis asked about the contamination at the bank. She also asked about the entrance to the gas station, which was described by Mr. Bertin; she voiced her concern about traffic patterns. Mr. Vince shared that if for any reason the dry well needed to be eliminated there would still be a reduction in runoff. Mr. Capizzi stated that necessary information would be gathered but that the contamination at the bank was not the applicant's responsibility.

The meeting was closed to the public.

Fred Ebrahimi, owner (301 River Road, Clifton) was sworn in. He stated that he operates the gas station 6:00am to 10:00pm Monday to Saturday and 7:00 am to 9:00 pm Sunday. He agreed to turn off lights at closing. Fuel deliveries occur 2 to 3 times a week. The delivery times are flexible. The service station runs about 8:30-5:00. They are closed on Sunday. He leases the mechanic shop to another individual. The parking will be adequate.

The meeting was opened to the public.

Margaret Wood (27 Schraalenburgh) asked whether any expansion to the mechanic shop was planned. There is not any planned. She asked whether there is a limit to how long a car can stay at the station for repairs. Mr. Ebrahimi does not have any.

Kathryn Gregory, planner for the applicant (96 Linwood Plaza, #350, Fort Lee) was sworn in and accepted. She explained the variance needed for the addition of the canopy. She cited case law supporting modernization and esthetics as justification for approving nonconforming use. She stated that the C variances needed are somewhat subsumed by the needed D variance. She stated that efforts are being made to improve the experience of the neighboring residents. She also discussed the positive criteria including defining the corner and improving traffic flow and that the benefits outweigh the detriments.

Mr. Lester asked whether the canopy itself could truly be deemed modernization. Discussion.

Mr. Bertin explained that the canopy pictured in the exhibit is a different, larger, canopy that what is being proposed.

Mr. Martinez expressed concern about the sign being at the corner, as well as the entranceway that is still being finalized. Mr. Bertin stated that it will be worked out. The Board engineer stated that there is enough room for the trucks to turn. The two engineers agreed that they would work out an acceptable solution.

The meeting was opened to the public.

Mr. Lambert (38 Schraalenburgh) asked whether there have been any studies about the traffic flow with increased customers. There have not. He asked for the budget. The owner expected \$50,000 to \$100,000.

The public was invited to testify if they wished.

Jack Stokvis (25 Pine Street) was sworn in. He stated that he is a retired licensed professional planner and that in the past he was an expert witness at a case in Haworth in which Mobil wanted to add a canopy. The application was denied. He spoke about the current application. He spoke about the spot of the gas station being an important entrance to the borough. He said that there is no customer benefit to this application. He said that the sign and canopy are out of character with Haworth. He said that the canopy would block the clocktower. Mr. Stokvis shared photographs that were marked (01 existing pumps, 02 debris in the wooded area, 03 debris behind the structure).

Margaret Wood (27 Schraalenburgh) was sworn in. She expressed her concern that canopies can attract homeless people and described what feels like a slow creep of Bergenfield and Dumont to the north. She asked for restrictions to be in place to prohibit an expansion of hours. She said that currently the lights shine in her house and on the driveway. Discussion of the lighting; Mr. Bertin described the changes in lighting and said that it might be visible but not as much as is visible now. Ms. Wood called the canopy an eyesore that does not belong in Haworth.

Councilman Rosenberg (94 Owatonna Street) was sworn in described that the traffic exiting the future development will not be allowed to turn right to Schraalenburgh.

Evelyn Stokvis (25 Pine) spoke about lighting pollution and light trespass. She asked what trees would be planted to the north side of the property. They will be evergreens. She also asked whether the sign could be removed from the north face of the canopy. Mr. Bertin stated that it can be. She spoke about possible updates to the building.

The meeting was closed to the public.

Mr. Capizzi made his closing statements.

A variance may be needed to fence in the dumpster. If it is needed, Mr. Capizzi asked the Board to grant it.

Mr. Pilsbury asked whether the canopy could be a wood look or other color instead of white. Mr. Bertin said he would ask Sunoco about different colors. Mr. Capizzi stated that the colors seem to be limited. Board discussion on colors and lighting. Mr. Vierheilig felt that the conditions in the original site plan should continue unless they are directly superseded by what was agreed to at this meeting.

Mr. Lester moved to approve the application with all of the conditions listed by the engineer, the Board, and Mr. Capizzi, as well as those listed in the original resolution from the 1950s, second Mr. Weiss.

VOTE: Ayes: Mr. Lester, Mr. Ross, Mr. Vierheilig, Mr. Weiss, Mr. Panzella

Nays: Mr. Pilsbury, Mr. Martinez

Carried.

OLD BUSINESS

NEW BUSINESS

1. Proposed 2025 Meeting Dates

First Tuesday of each month at 7:30pm in the Municipal Building

Jan 7	Feb 4	Mar 4	Apr 1	May 6	Jun 3
Jul 1	Aug 5	Sep 2	Oct 7	Nov 4	Dec 2

The Board expressed a desire to reschedule meetings that fall on election days. Mr. Weiss moved to accept the dates, knowing that June and November will move to different dates, second Mr. Martinez. All in favor. Carried.

ADJOURN Mr. Ross moved to adjourn, second Mr. Martinez. All in favor. Meeting adjourned at 10:05pm.

NEXT SCHEDULED ZONING BOARD OF ADJUSTMENT
REORGANIZATION & REGULAR MEETING
Tuesday, January 7, 2025 at 7:30pm

Respectfully submitted,

Marti Francis
Zoning Board Secretary