

Virtual Regular Meeting of the Haworth
Zoning Board of Adjustment on
November 2, 2021, via Zoom.

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

Alexander West, Board Attorney
Andrew Rosenberg, Council Liaison

ABSENT: Richard Ehrenberg

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

Mr. Ehrenberg gave notice that he 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.

In essence, the following transpired.

BUCKNER APPLICATION (continuation)

Mr. Tafuri appeared on behalf of the applicant. He reminded the Board that at the October meeting, he asked that this application be adjourned until he was given a copy of a legal transcript of the hearing. Mr. Tafuri noted that he had not yet received it.

Ms. Gallagher stated that she had submitted the request along with the tape of the hearing and was told that it would be sent prior to the October meeting.

Mr. Tafuri, therefore, asked for another extension.

Virtual Regular Meeting of the Haworth
Zoning Board of Adjustment on
November 2, 2021, via Zoom.

Mr. Posen entertained a motion to grant another extension.

Seconded by Mr. Ross and was unanimously carried with the exception of Mr. Weiss, was not eligible to vote on that matter.

ACCEPTANCE OF THE MINUTES

The minutes of the October 2021 meeting were reviewed.

A request was made to amend page 48, third paragraph, last line to read, "Mr. Hubschman said that they only had 13 parking spaces in the rear and there would not be any assigned spaces."

A request was made to amend page 50 to show that the requirement is for 50 spaces but it was reduced to 40.

There was discussion about page 51, paragraph 4, and a request was made that the 4th paragraph be deleted.

Mr. Posen entertained a motion to approve the minutes.

Mr. Pilsbury so moved.

Seconded by Mr. Vierheilig and unanimously carried.

ANDO MEMORIALIZING RESOLUTION

The Ando Memorializing Resolution was reviewed.

Mr. Posen entertained a motion to approve the Resolution.

Mr. Ross moved that the Ando Memorializing Resolution be approved.

Seconded by Mr. Panzella and upon roll call, the vote went as follows: Yes - Mr. Ross, Mr. Panzella, Mr. Pilsbury, Mr. Vierhelig, Ms. Eby, and Mr. Posen; No – none.

TERRACE STREET APPLICATION (continuation)

Mr. Bell appeared on behalf of the applicant. He reminded the Board that the applicant should look at their commercial lease obligations and perhaps assign one parking space to each unit. They were also asked to review their plans for the elevator in the building, which Mr. Bell said the Board should already have. They were asked to have the drawings show the windows and he said that it would be added. Further, as requested, the refuse would be handled on the inside and not in the parking area.

Mr. West asked that they send the documents to all members for distribution.

Mr. Hubschman said that the Site Plan would show one parking space for each of the 8 spaces reserved; the parking space for apartment 2A is for a smaller car, it is shallow; and, there is a new architectural rendering. They were asked to review the front and rear. Those 3 renderings were marked as Exhibit A-7.

Mr. Posen commented that the 3 larger dormers were much more pleasing and he was asked if the Board would like to choose the design.

Mr. Hubschman then had 7 photographs marked into evidence as Exhibit A-9. He was asked to make copies and send them to the Borough Hall. Mr. Hubschman stated that there would be a dumpster in each corner of the Parking Plan.

Mr. Hubschman was asked if the dormers would go above the building and above the maximum height of 35 ft.

Mr. Vierheilig pointed out that the information should have been on the original Plan.

Mr. Posen said that they did not know if the peak of that elevator was within the 35 ft. limit. He said that it was not changed, and probably nothing else would be changing.

Mr. Hubschman stated that he did not think it was above 35 ft.

Mr. West pointed out that if it was more than 35 ft., an additional variance would be needed for a conditional use.

Mr. Posen asked Mr. Bell to summarize since they were coming to the end and he felt it would be helpful for the Board to hear what exactly what was in front of them.

Virtual Regular Meeting of the Haworth
Zoning Board of Adjustment on
November 2, 2021, via Zoom.

Mr. Bell stated that they were working with a mixed use building with commercial and residential tenants. For the residential tenants, there would be 8 apartments - 2 would be for Affordable Housing – one with two bedrooms and one would be a studio apartment. Mr. Bell said that they would look like the architectural renderings. He said that each residential tenant would have a reserved parking space. Mr. Bell stated that they would need Site Plan and Conditional Use Approvals, 3 variances for maximum residence density, minimum lot area, which is existing and for parking spaces. All of these would be necessary to permit conversion of the second floor.

Mr. Posen said that for purposes of discussion, the applicants mentioned that spaces would be assigned.

Mr. Bell said that the sketch has been marked and was part of the Application now.

Mr. Posen opened the meeting to the public for questions. Since there was no one to come forward, Mr. Posen closed the meeting to the public for questions.

Mr. Ross asked about the rendering and the air conditioning units.

Mr. Bell responded that they were not contemplating air conditioners that stick out of the walls.

There were additional questions about the air conditioning and Mr. Growney stated that there would be some form of central air conditioning.

Upon questioning by the Board, Mr. Growney was asked to clarify the proposed parking situation for the other tenants. He said that there would be 5 commercial tenants and 5 unreserved spaces.

Mr. Posen asked if Mr. Growney meant that during the day, they would use the commercial spaces in the Haworth parking lot or the street parking.

Mr. Growney said that Mr. Posen was correct.

Mr. Bell said that the residential parking would be on the side in the lot.

Mr. Posen responded that they could not do that – and the applicant could not guarantee that and tenants would not park in an illegal spot.

Virtual Regular Meeting of the Haworth
Zoning Board of Adjustment on
November 2, 2021, via Zoom.

Councilman Rosenberg stated that he did not believe that there was a special annotation related to parking in that lot.

Mr. Pilsbury said that they did not want landscapers to park in the lot overnight. He then reviewed the photographs of his Google search, which were marked as Exhibit A-9.

Councilman Rosenberg he pointed out that the picture with the tower was taken in 2018. .

Mr. Growney said that the original was not in the fenced area, then it was moved to the fenced area but it could be moved back again.

There was discussion about possible effects on the residents and Mr. Bell said there would be none.

Councilman Rosenberg asked about Mr. Bell's comment relating to Site Plan Approval and Mr. Bell stated that the Board could grant Site Plan Approval for D variances.

Mr. Posen said he did not know that the Application included the Site Plan Approval and whether the notice included it as well.

Mr. West confirmed that they had been included.

Mr. Ross asked if they were going to allocate one parking space per unit and whether there was anything in the commercial leases about this.

Mr. Bell explained that the tenants would be month-to-month and they would enter new leases.

Mr. Hubschman explained that they had it on on the Plan. The commercial tenants show 50 spaces and the residential tenants show 40 spaces, so that would be reduced.

Mr. Posen explained that the way the Zone looked, the variance was granted to only have 13 spaces.

Mr. Hubschman said that they would not be assigned to specifically and it is known that tenants and landlords develop relationships.

Virtual Regular Meeting of the Haworth
Zoning Board of Adjustment on
November 2, 2021, via Zoom.

Mr. Bell pointed out that previous use had never been a problem and now they were lessening the demand.

Mr. Hubschman stated that there were 35 spaces.

Mr. Growney said that when he built that building, there were no parking requirements and there was no activity.

There being no further discussion, Mr. Posen entertained a motion.

There was further discussion relating to the parking and how it would look with too many cars; residents getting tickets if they park on the street; concerns about the number of people in each apartment; requests for going back and looking at the leases; and other matters.

Mr. Bell asked everyone not to lose sight that the Mayor and Council rezoned that area for apartments and the applicant was creating parking for each apartment tenant. He pointed out that it was all a benefit to the town and the applicant was helping them to achieve that goal.

Mr. Posen stated that he supported Mr. Bell's comments and having the tenants. He said that this was the first residential conversion and he was not aware of concerns for apartments and he thought this was an easy issue. Mr. Posen reiterated that he had strong support on this matter. He then said that he had 3 conditions for the motion. Further, he felt that this was an important step for this Board as well as the town and it was an important statement that we are creating in town – that is, that the Borough does not shut down at 5 p.m.

Councilman Rosenberg said that he looked into the regulations and found that there are no restrictions for overnight parking in the lot and there was also an agreement with the State.

Mr. Posen stated that he was not aware of any limitations listed by other agencies in the municipality relating to the use of residents' property with regard to occupancy.

Mr. Panzella said he was sure that Mr. Growney also had some concerns but there were no guarantees.

Ms. Eby moved to approve the application.

Virtual Regular Meeting of the Haworth
Zoning Board of Adjustment on
November 2, 2021, via Zoom.

Seconded by Mr. Panzella.

Mr. Posen asked that the motion be amended to include that the landlord would provide one (1) space per lease and eight (8) for eight. He asked that it include both and new language if there were changes in the number of units. Additionally, he asked that central air conditioning systems be installed from the exterior of the building; should the Board should select the dormers; that all trash be on the side in designated trash units for these tenants; and, that the height requirement of the building be a requirement.

Mr. Bell suggested that if they find that the height requirement does not comply, the application must come back before the Zoning Board.

Mr. Panzella said that if anything does not conform, Mr. Bell had said that the applicant would come back to this Board.

Mr. Bell said that it would not be a problem.

Mr. Posen asked that if the discussion was finished, they should vote on Ms. Eby's motion. They were to include the Site Plan and Conditional Use. He noted that only Mr. Lester was not eligible to vote since he did not attend the last meeting. Further, he explained that five (5) out of seven (7) members who are qualified, were needed to vote in the affirmative in order for it to be carried.

Ms. Eby amended her motion to include all of the inclusions.

Seconded by Mr. Panzella and upon roll call, the vote went as follows: Yes – Ms. Eby, Mr. Panzella, Mr. Pilsbury, Mr. Ross, Mr. Vierhelig, Mr. Weiss, and Mr. Posen: No – none. Motion carried.

POSTMAN APPLICATION

Ryan and Erin Postman, of 615 Sylvan Place West, were sworn in.

The following Exhibits were marked into evidence:

- A-1 Letter of Denial
- A-2 Survey
- A-3 7 Photographs of Property

Virtual Regular Meeting of the Haworth
Zoning Board of Adjustment on
November 2, 2021, via Zoom.

- A-4 Plat Plan consisting of 6 pages
- A-5 Floor Plan consisting of 2 pages

John Musinski, of Mahwah, New Jersey, was presented as their architect. He said that the applicant needed a variance for the proposed building coverage. Mr. Musinski said that his office prepared Plans for the covered patio, which is under construction. He said that they had a complete set of construction plans with the patio in the rear. Mr. Musinski stated that the applicant already had a permit to build and they were proposing to put a roof over the patio, which would not increase the coverage. The impervious coverage would come to 29%. The patio would be completely open on 3 sides and it would have 2 columns. The patio would be 548 sq. ft. and there was an existing cover of 174 sq. ft., which they would be removing. Mr. Musinski said that was the extent of the variance and they would be complying with the existing 14.47 ft. roof and 30 ft. side yard.

Mr. Posen asked how they were already able to be under construction. He then pointed out that two of the drawings were both marked as Exhibit A-1 and Mr. Postman replied that only part of the Plan that they submitted was an extra.

Mrs. Postman explained that they just made copies of all of the original Plans.

Mr. Posen pointed out that on the Environmental Assessment Report, the applicant said that no prior applications had been made, but they had a permit. Also, the Survey says this was a 2-car driveway but the Plan does not have the one on the right side. Mr. Posen said that they had to get back to the pervious coverage. He said that on the actual application, there were a lot of cross outs.

There was discussion.

Mr. Posen said that the 8 ½ X 11 ft. Plan was signed on 10/5/21. He said there was confusion of about the total coverage.

Mrs. Postman said the numbers were on the architect's plan and it did not include the driveway that was taken out.

Virtual Regular Meeting of the Haworth
Zoning Board of Adjustment on
November 2, 2021, via Zoom.

Mr. Musinski said that it did match up with the existing pervious coverage. The impervious area was conforming and all they wanted done was to put an open structure above that. He said that the grade was not being increased and it would be an open-sided structure. Mr. Musinski said they would be putting in a seepage pit and he felt it would be taking on less water.

Mr. Lester said that it would not be taking on more.

Mr. Pilsbury asked if the notices were given to all of the neighbors.

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

There being no one to come forward, Mr. Posen closed the meeting to the public for questions.

Mr. Musinski said that there were renovations going on.

Mr. Musinski explained that when they were thinking about the patio, which was covered, the roof idea came in. The existing building coverage does not conform right now and the existing cover would be taken down. The patio roof is large and the net increase would be a net increase of 25.77%.

Mr. Posen said that the question is the Resolution and he said they should make it in perpetuity and not just a permit. A future property owner would have to come back to the Board for any changes. Mr. Posen said that was the essence of the position that the Board had to take.

There was no further discussion.

Mr. Posen entertained a motion to vote on this application.

Mr. Panzella so moved.

Seconded by Ms. Eby.

Mr. Lester asked that they include stipulations that the patio would be opened on 3 sides in perpetuity.

Mr. Vierheilig stated that he was in agreement.

Virtual Regular Meeting of the Haworth
Zoning Board of Adjustment on
November 2, 2021, via Zoom.

Mr. Panzella so moved his motion as amended by Mr. Lester.

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

Mr. Posen explained that if there was a need, the Board would vote on the Resolution for a second time and there would be no permit until after the vote at the next meeting. He elaborated.

CORRESPONDENCE

There was no correspondence to review since it was not available.

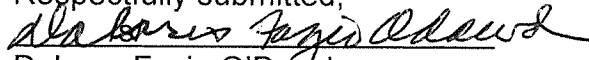
COUNCIL REPORT

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

ADMINISTRATIVE

The next meeting of the Haworth Zoning Board of Adjustment is scheduled for December 7th at 7:30 p.m. via Zoom.

Respectfully submitted,


Dolores Fazio O'Dowd