

Virtual Regular Meeting of the Haworth  
Zoning Board of Adjustment on June 1,  
2021, via Zoom.

PRESENT: Dennis Posen, Chairman  
Jeffrey Lester, Vice Chairman  
Richard Ehrenberg  
Jennifer Eby, Alternate 1  
Michael Pilsbury  
Lawrence Ross  
Alexander Vierheilig  
Lawrence Weiss, Alternate 2  
  
Alexander West, Board Attorney  
Andrew Rosenberg, Council Liaison

ABSENT: Joseph Panzella

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.

### **AGENDA**

Mr. Posen reviewed the Agenda.

- 2020 Annual Summary for Applications will be carried to the next meeting.
- Greene Application continuation.
- Feygin Application continuation for a variance for coverage for a swimming pool
- Simon Application for an addition, a porch, patio, and a shed for setback and one for pavement coverage.

Virtual Regular Meeting of the Haworth  
Zoning Board of Adjustment on June 1,  
2021, via Zoom.

### **ACCEPTANCE OF THE MINUTES**

The minutes of the May 2021 meeting were reviewed.

Mr. Ehrenberg moved to accept the minutes as presented subject to the rights of absent members to correct statements directly attributed to them.

Seconded by Mr. Ross and unanimously carried.

### **FEYGIN APPLICATION (continuation)**

Messrs. Feygin and Katz affirmed that they had already been sworn in.

Mark Mantyla was sworn in. He went over his education, background, and experience as a licensed engineer and land surveyor. He stated that they had changed the Plan and lowered the size of the patio from what had been proposed by 30%. They also addressed the rain-water concern with seepage pits, and everything has been redone to protect the neighbors.

Mr. West marked the following Exhibits into Evidence.

- A-1 Application
- A-2 Denial letter
- A-3 Pool Site Plan/

He said that he did not have the modified Plan to which Mr. Feygin was referring.

Mr. Feygin said that he had mailed this Plan to Mrs. Fay and the Re-notice was with it in the same email message. However, it was noted that they had not received anything else.

Mr. Feygin said that he was only told to re-notice and then he sent her the updated Plan. He forwarded it to Mr. Posen right at that moment. It was put up on the screen.

Mr. Montayla and the Board reviewed that new Plan which included the reduced size of the pool and patio and also reviewed the seepage pits.

There was discussion.

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

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

Mr. Ross stated that he felt the home owner did what the Board had asked him to do at the last meeting.

There was no further discussion.

Mr. Posen then opened the meeting to the public for comments.

There being no one to come forward, the meeting was closed to the public for comments.

Mr. Ross then moved to approve the variance.

Seconded by Mr. Ehrenberg.

Discussion:

Mr. Ehrenberg stated that the applicant had made an effort to change the Plan to the Board's satisfaction and he agreed that the application should be approved.

Mr. Posen stated that it would appear that the Board was going to pass a Resolution for Mr. Feygin. He asked Mr. Feygin to drop off one or more copies of the Revised Site Plan along with the other documents which should have been submitted to Mrs. Fay.

Upon roll call, the vote went as follows: Yes – Mr. Ross, Mr. Ehrenberg, Mr. Pilsbury, Mr. Vierheilig, and Ms. Eby; No – none. Motion carried.

Mr. West asked Mr. Feygin for a copy of the documents.

Mr. Feygin thanked the Board.

Virtual Regular Meeting of the Haworth  
Zoning Board of Adjustment on June 1,  
2021, via Zoom.

### **SIMON APPLICATION**

Mr. Posen noted that he did not receive a Letter of Denial from the Building Official in his package.

Mr. West read his copy to everyone. It included Section 26-501, which stated that the minimum setback was 25 ft. or 15% of the property coverage; the front yard needed a 25 ft. setback, and pavement coverage was at 19%.

Mr. West marked the following Exhibits into Evidence.

- A-1 Application
- A-2 Letter of Deial
- A-3 Plan dated 3/9/21
- A-4 4 Pages containing 8 photographs of the subject house and property

Dr. Simon, living at 466 Sylvan Place was sworn in.

Scott Belle, of 65 Glen Avenue, Glen Rock, New Jersey, was sworn in. He went over his education, background, experiences, and registered license and was accepted by the Board as an expert architect.

Mr. Belle described the property and variances, which were being requested. He said that the property was on the corner of Paulson Place and Sylvan Avenue and had a setback of 25 ft. The porch was 13 x 5 ft. and she wanted to go to 23 ft.

Mr. Belle said the second variance was asking for 19% and the requirement was 15%. He said that they would be taking out a wooden deck, which was a little bit larger than the patio. Mr. Belle said they wanted to replace it with additional patio space and the patio would probably be made up with pavers.

Mr. Belle said that they were also requesting a variance in the front yard, for a porch and pavement and only part of it would be paved.

Mr. Pilsbury asked if it included the entire line in the front and Mr. Belle told him that it would only go 1 ft. more than what was there now.

Mr. Ehrenberg asked if the pavers would be pervious to reduce the size of this variance and be less intrusive.

Mr. Belle stated that he did not know how the pavers would work for draining the water.

Virtual Regular Meeting of the Haworth  
Zoning Board of Adjustment on June 1,  
2021, via Zoom.

Mr. Weiss asked about the width and Mr. Belle responded that it would have the same depth because they were asking to go 2 ½ ft. wider.

Mr. Lester noted that the size of the porch mattered because it goes to the property line.

Mr. Belle said that the seepage pit would be required and they would be complying. He said that the patio was 4% of the property.

Dr. Simon pointed out was free-standing and was replacing the other decking.

Mr. Posen noted that a deck is not considered an impervious area.

Mr. Ehrenberg asked if they considered putting in a patio at ground level since that would not be considered impervious. He said it would eliminate the need for a variance since it would sit 3 to 6 feet above ground.

Councilman Rosenberg said it would be pretty much ground level but it would be above it and pervious.

Dr. Simon explained that there were 3 steps that come up to the deck in the back.

Charles Paltos, of 16 Paulson Place, asked if they wanted to remove the deck.

Dr. Simon said that right now she was expanding it there and putting a cover on it.

Mr. Vierheilig asked about their neighbor behind them. He presented a Google photograph of the street view.

There was discussion relating to concerns about water running back to them.

Mr. Posen talked about the solution of a deck a few feet up. He said it simplified the application and was just a thought. He said he thought it was an attractive statement to make and he did not have an issue with the corner.

Mr. Pilsbury pointed out that it was not the length of the house and perhaps this portion could be resolved by using grassy pavers.

Mr. Posen said that part of his concern was the specificity on the materials. He said if they knew it was 15 or 30% pervious pavers, they would be balancing and neutralizing and they would provide stability yet tend to disappear.

There was discussion.

Mr. West said that he felt pavers were pavement coverage.

Mr. Vierheilg stated that he had some concerns because there was a lot of pavement in the back and if this was impervious, it would send water down.

Mr. Belle said they would look at pavers that would be 15 to 30% pervious.

There was some discussion about what the cost would be.

Mr. Belle said it might be wise to have home owner to stop now and come back with some different design plans.

There was additional discussion and the general opinion was that it might be wise not to have the Board vote on the application this evening and have the applicant come back with a different Plan.

Mr. Paltos asked if the front porch would have additional steps and Mr. Belle said that it would be at the same level.

Dr. Simon stated that it it would not be a deck and Mr. Paltos questioned it. Dr. Simon explained that they would only extend the landing and leave the level as it is now.

She was told that if she was willing to take a month and come back with specific information on the materials, it would be more information for the Building Official to consider. They did not think it would be an encroachment issue.

Dr. Simon and Mr. Belle said that would be fine.

Dr. Simon agreed to adjourn and carry the hearing until next month.

## COUNCIL REPORT

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

## ADMINISTRATIVE

Mr. Posen had a discussion with the Board about not being able to use the Council Chamber since it was not yet in proper condition. He said he did not see this as a burden even though it might be a busy year.

Mr. Posen also talked about scheduling time with the Building Official to attend Board meetings. He said he would be happy to work with him - he was just not sure how to formally ask him to attend whether it was virtual or in person.

Councilman Rosenberg explained that he did not think this Board could have an informal meeting.

There was discussion and Mr. West noted that if there were more than three people it should not be done and if there was a quorum, it would be considered a formal meeting.

Councilman Rosenberg said that he would not be at the July meeting and neither would Mr. Panzella.

There was additional discussion and it was felt that Councilman Rosenberg should be there when the Building Official is in attendance because he is an employee. Further, instead of waiting until the August meeting, there should be a special meeting, which is noticed and only with the Building Official on the Agenda.

Mr. Ehrenberg asked if the Building Official could be compelled to attend or should there be an invitation or request.

Councilman Rosenberg said he thought he could.

Mr. Posen said that he would like to call the Borough Hall and start the conversation. He said he would take responsibility to get it together.

Mr. Posen talked about a document which had been included in his packet with the agenda.

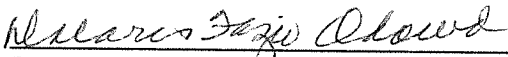
Virtual Regular Meeting of the Haworth  
Zoning Board of Adjustment on June 1,  
2021, via Zoom.

Mr. West said this was a Site Plan for the original project.

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

Seconded by Mr. Vierheilig and unanimously carried.

Respectfully submitted,

  
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Dolores Fazio O'Dowd