

Virtual Regular Meeting of the Haworth
Zoning Board of Adjustment on August
3, 2021, via Zoom.

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PRESENT: Dennis Posen, Chairman
 Jeffrey Lester, Vice Chairman
 Richard Ehrenberg
 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:

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

The minutes of the July 2021 meeting were reviewed.

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

Seconded by Mr. Ross and unanimously carried.

SIMON MEMORIALIZING RESOLUTION

There was discussion about how the Simon Memorializing Resolution should read and it was decided that there should be one motion with both parts.

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Mr. Ehrenberg so moved.

Mr. Vierheilig seconded the motion and upon roll call, the vote went as follows: Yes – Mr. Ehrenberg, Mr. Vierheilig, Mr. Ross, Mr. Weiss, and Mr. Posen; No – Mr. Lester. Motion carried. **For resolution see Page 43A of permanent minutes.**

2020 SUMMARY OF CASES HEARD BY THE ZONING BOARD

The 2020 Summary of Cases Heard by the Zoning Board was reviewed.

It was noted that an amended copy had been sent out, however, some members had not received it. Mr. Posen said that he would find and submit it.

Mr. Ross moved to approve this report.

Seconded by Mr. Lester and unanimously carried by the members eligible to vote. **For resolution and summary see page 43B of permanent minutes.**

BUCKNER APPLICATION

Robert Tafuri, of 888 Kinderkamack Road in River Edge, New Jersey appeared on behalf of Mr. Buckner.

Mr. West noted that the application was not going to be marked into evidence as an Exhibit. The following documents were marked.

- A-1 - Letter of Denial from the Zoning Official dated 3-17-21
- A-2 - Deed
- A-3 - Survey dated June 3, 2015
- A-4 - Nine photos collectively of the subject property.

It was noted that the photos were not marked with the location of the property and they were similar in nature.

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Mr. Tafuri said that the Survey was part of the Application and wished to have it marked as Exhibit A-5.

Mr. Tafuri stated that the applicant was before the Board to apply for a variance to extend his deck.

Mr. West stated that all notices were in order.

Mr. Tafuri said that they were proposing a 15 ft. setback instead of 30 ft. He said it was the property was unique because of its location and nature – that is, the property in the back of the subject property was Green Acres, which was owned by the Borough, and the property to the south was an undeveloped street on one side.

Joshua Buckner, of 232 Valley Road, stated that he and his wife owned this property since 2015 and they had two children.

Reference was made to Exhibit A-5. Mr. Buckner stated that his lot was in the center of Valley Road. He said that his deck was in the back of the house and it was difficult to get onto the first floor. They had to go through the back of the house and climb 9 steps. There was no direct access from the main floor, which was even with the deck. He elaborated.

Reference was made to Exhibit A-4, which contained photographs of the subject property from Valley Road. Mr. Buckner described the deck area, the access and a depression into the kitchen as well as the stairs to the basement. He said it ran all along the length of the property. Mr. Buckner stated that deck was there when they purchased the house and the front side of the deck was 14 X 20 ft. from the left to the right. He said that they used the deck every weekend in the summer and at least 3 times per week depending upon the weather.

Mr. Buckner stated that they considered putting the deck to the side but it did not look good and there were also other reasons. They would be hiring a professional to build the deck and they were not planning on cutting down any trees.

There was reference to one of the photographs that showed how the area was at a lower grade and he described where everything was located. He said that the drainage line was in front of the door. Mr. Buckner said that other than going through the basement and going up the steps from the depression area was the only access to the deck.

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Mr. Posen referred to the Survey and asked about land which seemed to be encroaching.

Mr. Buckner stated that he owned another piece and had to pay two tax bills.

Mr. Buckner talked about aesthetic concerns with extending a larger deck to the north.

He was asked if he would consider extending it to the south.

Mr. Buckner responded that since they were surrounded by Green Acres, no one would mind that they wanted to place it the way they did.

There was discussion about possible other locations for the deck and Mr. Buckner said that if he wanted to extend the deck towards the back, it would not be aesthetically pleasing and he felt it would be more perfect the way he submitted his application.

Mr. Buckner said that the figures were based on a 15,000 sq. ft. lot but they were working with 17,000 sq. ft. He pointed out that there also was a slope on the property which had to be considered. Mr. Buckner stated that what he planned was better than going out on the other side. He elaborated. He said he was trying to add uniformity, otherwise it would look like wings coming out beyond the property. He said he did not have other plans for the adjoining vacant lot. He elaborated.

The photographs were discussed and Mr. Vierheilig talked about alternatives, including extending the deck to the south and they also discussed the extra lot.

There was discussion about this property being unique, which included the slope in the back yard, which was significant and right off the main floor.

Mr. Posen opened the meeting to the public.

Salvatore Giampiccolo, of 252 Valley Road, was sworn in and said that he was two houses over from the Buckner's house and wished to support this application. He pointed out that the photograph did not give a clear picture of the setbacks. Mr. Giampiccolo said they were a great family and owned a beautiful home. He said that the aesthetics and utility value should be approved by the Board. Mr. Giampiccolo then stated that he was given a variance for the same thing approximately 19 years ago.

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Mr. Posen noted that it would have been nice if the office had given him files on both of the cases so that the Board could look through them.

Mr. Giampiccolo stated that he did not see a reason for the Board to refuse the approval of the variance.

Mr. Ross said he felt they needed to investigate.

Mr. Ehrenberg stated that he did not agree. He said that they had been told for years that no two applications were identical and this application was not acceptable just because the other one was acceptable.

Mr. Lester agreed. He said that Boards change and opinions change.

Mr. Ross said he felt it was a concern.

Mr. Tafuri said he was reminding them that this was about a deck.

Mr. Lester said he did not have a problem provided that it was only a 20 ft. length and at no time may it be covered in any way.

Mr. Ehrenberg agreed. He said he felt that there were no compelling reasons to disapprove it.

Mr. Panzella agreed.

Mr. Ross pulled up Google so they could look at an overhead view. He talked to Mr. Giampiccolo about the setbacks.

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

There was discussion about the aspects of zoning.

Mr. Pilsbury said he agreed with Mr. Ross.

There was discussion about setbacks.

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Mr. Lester moved to approve the variance provided that the deck was only 20 ft. and that it was under the condition that at no time may they or any future owners of that property cover that deck.

Seconded by Mr. Ehrenberg.

There was discussion and questions about the deck being 20 X 20 ft.

The applicant said that was correct.

It was noted that the setback should be 30 ft. but it would have only 15 ft.

Mr. Lester moved to approve the variance.

Seconded by Mr. Ehrenberg and upon roll call, the vote went as follows: Yes – Mr. Lester, Mr. Ehrenberg, Mr. Panzella, Mr. Ross, and Mr. Vierheilg; No – Mr. Posen. Motion carried.

ADMINISTRATIVE

- Mr. Posen announced that there would not be a meeting in September because the date fell on the Jewish New Year.
- The Memorializing Resolution would be delayed and read at the October meeting, therefore, the Building Department would not be able to issue a permit until then. He thanked the applicant for his patience.
- Six members of the Board will not be available for the Council Meeting in September.
- The Fence Report will be discussed at the next meeting. All members were asked to read it and send any comments to Mr. Posen.
- Councilwoman Wasser and the Building Official will be invited to attend the October meeting.

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

Seconded by Mr. Ross and unanimously carried.

Respectfully submitted,

/s/

Dolores Fazio O'Dowd

