

Regular meeting of the Haworth Zoning Board of
Adjustment, March 7, 2023

PRESENT: Richard Ehrenberg
Jeffrey Lester
Joseph Panzella
Michael Pilsbury
Dennis Posen
Lawrence Ross
Alexander Vierheilig, Alternate 1
Lawrence Weiss, Alternate 2
John D'Anton, Esq.

ABSENT: Jennifer Eby

Mr. Panzella called the meeting to order at 7:30 pm with the Open Public Meeting statement. Upon roll call, the above status was achieved.

There was no correspondence to discuss.

Mr. Pilsbury moved to approve the minutes of February 7, second Mr. Ross. All in favor. Carried.

Hearing of application for Buckner, 232 Valley Road

Robert Tafuri, Esq. (887 Kinderkamack Road, River Edge, NJ) represented the applicant and explained that the reason for reappearing before the Board was a discrepancy in measurement. The following exhibits were entered:

- A1 the application
- A2 prior resolution
- A3 property survey
- A4 transcript of 8/3/21 hearing

Mr. Tafuri explained that the original permit application for the 20 x 20 deck was denied because the rear setback would have been deficient. The applicant appealed to the Zoning Board, receiving permission to build the deck 15 feet from the property line. A new contractor was hired who claimed to have secured the permit. The deck was built, and a

violation notice was received because there was no permit. The building inspector required an as-built survey, which revealed that the distance from the property line was 13 feet.

The applicant was given the choice of re-appearing before the Zoning Board to receive a new variance or removing part of the deck. Mr. Tafuri stated that the deck was built as proposed and approved.

Mr. Buckner was sworn in and confirmed that On the Spot contracting was supposed to secure the permit. He stated that he had used the contractor before and that permits had been secured by the contractor. He also stated that he did not know that the permit was missing until the violation notice was received. Mr. Buckner confirmed the information previously supplied by the attorney.

The Board attorney asked to see the survey and asked whether any other material changes had been made to the property and was told by Mr. Buckner that they had not. The Board attorney instructed the applicant that someone would have to address the violation, secure the permit, and secure the CO.

Mr. Ross asked what had been submitted for the original application, and the original drawing (marked A5) was distributed. Mr. Buckner stated that the contract may have stipulated that the contractor would secure the permit but also stated that this contractor had secured them on past projects. He also stated that the contractor had represented that the permit had been applied for.

Mr. Posen asked whether there was a survey done for the original application. The applicant stated that he believed the survey done for the purchase of the house was used. Mr. Posen asked whether a licensed architect created the drawings. The applicant did not believe so.

Mr. Lester stated that he believed the original application allowed for encroachment beyond the deck.

Mr. Verheilig asked how the measurements were arrived at. The applicant replied that the original contractor gave them and then discussed them with the building inspector.

The meeting was opened to the public, but there were no comments.

Jeff Serfaty (On the Spot contracting) was sworn in and testified that their project manager, who has since been terminated, had claimed that he turned in the paperwork.

The company learned of the error when the violation notice arrived. At that point they secured the necessary drawings and turned in the permit application, which was denied.

Mr. Ehrenberg asked whether someone relied on the survey with the handwritten “15 feet” written on it. Mr. Serfaty stated that someone probably had.

Mr. Posen asked whether the architect signed the drawings before or after the survey was done and was told that probably the architect signed first. Discussion.

Mr. Serfaty stated that the company had never had this problem before and that the project manager was fired because of this situation. The project manager had represented that all was done. The architect was Chris Blake.

Mr. Lester asked Mr. Tafuri to speak to the bulk variance 4055 D-70C. Mr. Tafuri referred to the findings in the original resolution, which were read into record.

Mr. Pilsbury asked about the cantilever beyond the last girder on the deck. The applicant was unable to provide information.

Mr. Ross asked if there is anyone behind his property; he was told that there were only woods.

The following photographs, taken January 2023, were recorded as exhibits:

A6A Deck; A6B Deck; A6C Deck and woods; A6D Deck/posts/railing; A6E Posts on top of footings; A6F Back of deck as constructed

The meeting was opened to the public, but there were no comments.

Mr. Tafuri concluded by saying that this was not intentional and that his client thought he had permission to build the deck because he thought the contractor had secured the permit and tried to rectify the situation when the error was discovered. Green Acres and woods are behind the property. There is a paper street on one side.

Mr. Posen shared that he was the sole negative vote on the original application. He further stated that there are now too many holes in the situation for him to be comfortable.

Mr. Pilsbury stated that it was not intentional but was not proper either. He stated that he had abstained on the first application because he felt it was already over the top.

Mr. Ehrenberg moved to approve the application, second Mr. Ross

Mr. Ehrenberg-yes	Mr. Ross-yes
Mr. Lester-no	Mr. Verheilg-no
Mr. Pilsbury-no	Mr. Panzella-no
Mr. Posen-no	

Application denied.

Hearing of application for Hudson, 65 Prospect Avenue

The application and proof of proper notice and advertisement were marked A1. The prior resolution from 10/6/22 was marked A2.

The reason for the reappearance is that the pergola, which was discussed on the previous application, would increase coverage, but there was no variance applied for.

The applicant, Mrs. Hudson, was sworn in and stated that the setback issue (zoning denial of 1/11/23) was a surprise. She stated that the patio was approved but that the pergola was not addressed. She showed renderings of the proposed pergola to cover the patio and stated that it has not been constructed. She stated that there have been no other changes to the property. She also stated that the property is a rectangle with no slope.

Mr. Posen requested the original survey, and Mr. Lester provided it. He stated that the fact that the pergola would be attached to the house creates the setback issue.

The applicant could not produce an official document showing how far the patio extends.

The Board attorney suggested that the Board could grant the applicant the opportunity to secure a survey with the dimensions of the patio and then return. The applicant asked that the application be carried a month. Mr. Panzella moved that the application be carried to April 4, second Mr. Verheilg. All in favor. Carried.

Mr. Ross moved to adjourn, second Mr. Pilsbury. All in favor. Meeting adjourned at 8:47 pm. The next meeting is scheduled for April 4.

Respectfully Submitted,

Martha Francis

Zoning Board Recording Secretary