

Regular meeting of the Haworth Zoning Board of
Adjustment, June 6, 2023

PRESENT:

Richard Ehrenberg
Jeffrey Lester
Michael Pilsbury
Alexander Vierheilig, Alternate 1
Joseph Panzella
John D'Anton, Esq.

ABSENT:

Jennifer Eby
Dennis Posen
Lawrence Ross
Lawrence Weiss, Alternate 2

Mr. Panzella called the meeting to order at 7:31 pm with the Open Public Meeting statement. Upon roll call, the above status was achieved.

There was no correspondence to discuss.

Approval of Minutes

Mr. Pilsbury moved to approve the May minutes, second Mr. Ehrenberg. All in favor. All in favor. Carried.

Mr. Dean Samos came forward to represent the owners of 209 Harrison, Block 1610 Lot 4. He described the property as unique and sandwiched between two borough-owned properties. A letter had been submitted in December of 2022. A response was received that the Borough is not interested in selling their properties. The application is for a C1 variance, but there are elements of C2 as well.

The home was built about 1957. The owners would like to remodel and build on to the home, including a two-story addition and a covered patio. The setback encroachment would border a municipal lot.

Noah Adler, architect, was accepted and sworn in. The application and pictures were marked exhibit A1. He stated that he prepared the architectural drawings. Mr. Adler is a

member of the Haworth Planning Board. The Zoning Board attorney stated that he does not know of any prohibitions for Mr. Adler's testifying before the Zoning Board but that he would look into it. Mr. Adler continued his testimony.

The first two sheets were new today. The front sheet (rendering 6/6/2023) was marked A2; the second sheet (also a rendering 6/6/2023) was marked A3. The original submission was marked A4. That was submitted in time for the public to view. Mr. Adler described the proposed two-story addition and covered patio. Two encroachments into the setback of 52 square feet each would be created by the additions. The addition would be 30 feet from the property to the north and more than that from the other property owner. An uncovered patio is also planned. The Board attorney confirmed the spaces that would be created by the addition. The architect testified that all other aspects of the proposed plan comply with regulations and that the design will fit with that of the neighborhood.

Board members asked questions: Why the curved bumpout causing one encroachment, is necessary. Mr. Hubschman, who will serve as the planner, will be able to address this question. How elevated the patio is—it will be slightly raised (21 to 24 inches). Whether there was any thought to make the addition on another portion of the house—the current design created a better flow and more privacy, as well as keeping the addition farther away from the improved neighboring lots. A member asked for confirmation that all additions affecting improved neighboring lots conform to code; yes they do.

The meeting was opened to the public for questions.

Bruce Mulder (200 Franklin Street) asked to see the two pages that were added. He asked whether the plans were different from those submitted and was told that they are not. The only differences are that they are larger and show more accurate landscaping.

Joy Ayanian (201 Harrison Street) asked whether there would be generators or AC units and where they would be placed. The architect stated that the placement had not been determined yet but that they would be placed within the required setback.

Stacey Brickman (36 Jackson Avenue) asked about the placement of patio and fireplace. She was told that the fireplace wall is 28 feet from her property line. She asked whether a permit had been secured for the tree removal. She was told that the applicant could testify to that.

Michael Hubschman, 263 South Washington Avenue, Bergenfield, was sworn in as engineer and planner and accepted. He testified that his licenses are in good standing. The site plans are dated 3/22/2023. The only alteration to the plans the board has is the

coloring. These plans were marked A5. Mr. Hubschman described the property. He explained that he looked at it as a through lot. He explained that one seepage pit is proposed and that this is not a major building project. The coverages proposed are well below allowed. Discussion of the calculations used and where runoff would run (to the seepage pit). The applicant's attorney stated amenability to any drainage being constructed at the approval of the Borough engineer. He testified that the height was below the requirement, there will be plenty of parking, there are no coverage concerns. He stated that the variance would be a C1, due to hardships related to the lot. He did not see any detriments to the neighbors. The deviation would be de minimis and that if the Borough had wanted to sell the properties the variance would be unnecessary.

The meeting was opened to the public.

Stacey Brickman (36 Jackson) stated that she is having significant flooding on her property from the removal of the trees and asked why one seepage pit was sufficient. She offered to show videos. Mr. Hubschman stated that an additional seepage pit could be added if needed. He said that 0% runoff was the design. She wanted to share testimony from people who were not here and was told that she could not share written testimony.

The meeting was closed to the public.

Christopher Karach (39 Lucille Avenue, Dumont) was sworn in and accepted as a landscape architect. He stated that his license was in good standing. He explained that his plans were a colorized version of what had already been submitted. They were marked A7. He described the current conditions as largely bare, with a few existing canopy trees. The plan is to have a mix of native and ornamental plantings as well as screening for the owners and neighbors. He testified that no additional trees would be removed and that berms would be added as needed. More than 60 evergreens and 50-60 deciduous trees would be added. They would help with runoff and help with screening. He described three different types of low-voltage lighting that are planned. There are no heavy spotlights.

The meeting was opened to the public.

Bruce Mulder (200 Franklin Street) asked for a walkthrough of the plan, which was provided.

The landscape architect testified that no plantings would be done on borough properties. He also described the sizes of the various plants planned for the areas.

The meeting was closed to the public.

Mr. Miltiadou, applicant, was sworn in. He testified that he had asked the attorney to write to the Borough to request the sale of the borough-owned property. It was marked A8. The email of refusal was marked A9. He testified that he would have done the same general design had the borough sold the property but that the variance would not have been needed. He described the reasons for the design and that he had one tree removed at the request of a neighbor and four that were close to the foundation or necessary for other reasons. He called the town for advice. Someone from a tree company advised which trees to cut down.

A five-minute break was taken (9:07-9:10pm).

Discussion of the request to the Borough to sell the properties and that no alternatives were suggested by the Borough. There were no further questions from the public.

Stacey Brickman (36 Jackson Avenue) was sworn in and cautioned that she could only testify from her own experience. She stated that she is strongly against the Board approving any variance for a larger home on the property or splitting up the Borough properties. She stayed within ordinances when she did an addition. She works with neighbors to maintain the woods and maintain property. She is getting runoff from trees being cut down. The clearing that has been done is causing hardship. The letter she read could not be given to the Board because it contained others' names. The applicant's attorney spoke with her about her complaints and discussed drainage and coverage.

Bruce Mulder (200 Franklin Street) was sworn in and referred to pictures his wife had taken. He explained that a landscaper appeared on the city-owned property and his wife then took pictures. The pictures were marked M1 and M2.

The meeting was closed to the public.

Mr. Pilsbury asked whether other designs were considered that would not require a variance. Mr. Adler explained that this design worked best for layout, light, and minimizing setback issues and the length of the house. Discussion.

Motion to approve rear yard variance for addition.

Vote to approve rear yard variance for addition at 209 Harrison St. with the condition of landscaping and drainage review by Board Engineers.	Motion	Second	Yes	No	Abstain	Absent
Joseph Panzella, Chairman			X			
Jeffrey Lester, Vice Chairman			X			
Richard Ehrenberg	X		X			
Dennis Posen						X
Lawrence Ross						X
Michael Pilsbury			X			
Jennifer Eby						X
Alex Vierheilig, Alternate 1		X	X			
Larry Weiss, Alternate 2						X

Mr. Ehrenberg moved to accept the application, second Mr. Verheilig. Board discussion. Mr. Danton suggested that the resolution include that the drainage and landscaping plans be carried out to the satisfaction of the Borough engineer. The motion and second were amended to cover this change.

Roll Call Vote:

Richard Ehrenberg yes Alexander Verheilig yes
Jeffrey Lester yes Mr. Panzella yes
Michael Pilsbury yes

Carried.

Mr. Pilsbury moved to adjourn, second Alex Vierheilig. All in favor. Meeting adjourned at 9:35 pm.

Respectfully Submitted,

Martha Francis
Zoning Board Recording Secretary