

CAPIZZI LAW OFFICES

11 Hillside Ave., Second Floor

Tenafly, NJ 07670

MATTHEW G. CAPIZZI, ESQ. 201 266 8300 (o)

N.J., N.Y., & D.C. Bars 201 266 8301 (f)

Capizzilaw.com

New York Office:

1 Blue Hill Plaza

Lobby Level, Suite 1509

Pearl River, NY 10965

Reply to New Jersey Office

March 12, 2021

Submittal for Completeness Review

Via Overnight Mail

Maureen Oppelaar – ZBA Secretary

930 River Road

New Milford, NJ 07646

Re: Dubin – New Milford ZBA (the “Applicant”)
1114 Korfitsen Road; Block 205, Lot 9 (the “Property”)

Dear Ms. Oppelaar:

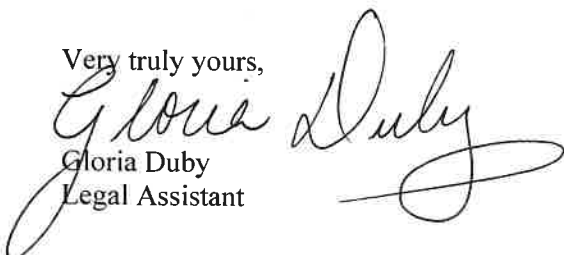
As you are aware, this office represents Ms. Miriam Dubin with regards to her variance application before the New Milford Zoning Board of Adjustment seeking variances relative to the construction of a two (2) story addition. To that end, enclosed please find the following:

1. Notice of Appeal Zoning Board of Adjustment with Certificate of Ownership & Authorization to make Application attached thereto (17 copies);
2. Borough of New Milford Zoning Work Sheet with Letter of Denial dated April 2, 2021 attached thereto (17 copies);
3. Block Diagram (17 copies);
4. Property Survey prepared by Lantelme, Kurens & Associates, PC dated as of March 3, 2021 (17 copies);
5. Architectural Plan prepared by Chris Blake Architect dated March 4, 2021 consisting of four (4) sheets (17 copies); and
6. Applicant’s Checks and W9:
 - Check # 503 in the amount of \$200.00 (Application Fee)
 - Check # 504 in the amount of \$1,500.00 (Escrow Fee).

Kindly advise when this matter has been deemed complete and assigned a hearing date before the New Milford Zoning Board of Adjustment.

Thank you.

Very truly yours,


Gloria Duby
Legal Assistant

MGC/gd
Enclosures

Application # _____

NOTICE OF APPEAL
ZONING BOARD OF ADJUSTMENT
BOROUGH OF NEW MILFORD, BERGEN COUNTY, NJ 07646

Property Address 1114 Korfitsen Road, New Milford NJ 07646 Subject to Sale agreement (YES - NO)

Block 205 Lot 9 Zone (Residential - Business- Townhome - other _____)

Size of Lot 8,349 Sq. Ft. Present use (Residential - Business- Townhome- other _____)

Owned / Leased - If property is within 200' of Borough line name adjacent municipality(ies) N/A

Name of Owner Ari Ginsberg and Tamar Ginsberg Telephone _____

Owner's Address (if different from above) _____

Name of Applicant (if not homeowner) Miriam Dubin c/o Matthew G. Capizzi, Esq.

Applicant address 11 Hillside Avenue, 2nd Floor, Tenafly NJ 07670 Phone Number 201-266-8300

Name of Attorney Matthew G. Capizzi, Esq. Phone Number 201-266-8300 Attending Meeting Yes.

Name of Architect Chris Blake Phone Number 201-816-9523 Attending Meeting Yes.

The applicant/homeowner hereby seeks relief from section (s) 30-21.4(c)(1) and 30-21.5(c)(2) of the New Milford Borough Ordinance. (statute numbers from denial letter)

The proposed application is contrary to the ordinance in the following way(s). Be specific attach a separate sheet if necessary. (What you are proposing and why it violates the zoning ordinance).

Maximum Building Coverage: (20% Maximum Allowed v. 24.75% Proposed) _____

Front Yard Setback: (55' Minimum Required v. 49.40' Proposed) _____

Left Side Yard Setback: (10' Minimum Required v. 9.7' Proposed) _____

Combined Side Yard Setback: (20' Minimum Required v. 19.7' Proposed) _____

MIN. LOT AREA	7,500 SF	8349 SF	NO CHANGE	CONFORMS
LOT WIDTH	75.0	75.0'	NO CHANGE	CONFORMS
LOT DEPTH	NA	109.58'	NO CHANGE	CONFORMS
FRONT YARD SETBACK	55.0'	54.40'	49.40'	VARIANCE
REAR YARD SETBACK	20.0'	40.36'	NO CHANGE	CONFORMS
ONE SIDE YARD SETBACK	10.0'	9.8'	9.7'	VARIANCE
COMBINED SIDE YARD SETBACKS	20.0'	39.6'	19.7'	VARIANCE
MAX BUILDING COVERAGE	20% (1670 SF)	15.27% (1275 SF)	24.75% (2066 SF)	VARIANCE
MAX IMPERVIOUS LOT COVERAGE	60% (5009 SF)	30.26% (2526 SF)	36.53% (3050 SF)	CONFORMS
BUILDING HEIGHT	25 STY. / 30.0'	25 STY. / 27.95'	NO CHANGE	CONFORMS

Driveway Width Required _____ Existing 18' Proposed _____ Curb Cut [Y/N] Size 21'

Are trees being removed YES NO How many _____ Shade Tree Commission date approved _____

Signature of Applicant [Signature] Date 4/9/2021

Filed on behalf of Applicant by Matthew G. Capizzi, Esq. Title Applicant Attorney

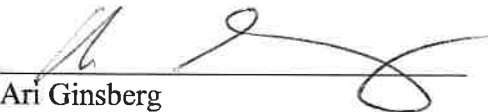
CERTIFICATION OF OWNERSHIP
&
AUTHORIZATION TO MAKE APPLICATION

We, Ari Ginsberg and Tamar Ginsberg, being of full age, hereby certify that we are the owners in fee of that certain lot, piece or parcel of land situated in the Borough of New Milford, County of Bergen, State of New Jersey and known and designated as Lot 9 in Block 205, commonly known as 1114 Korffitsen Road, New Milford New Jersey (the "Property") and that the statements contained in said application are true. The Applicant, Miriam Dubin, is the prospective purchaser of the Property. We consent to Miriam Dubin making the within application.

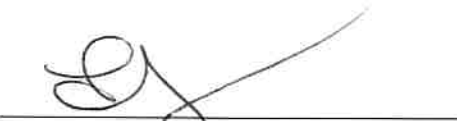
PERMISSION TO ENTER PROPERTY

The Members of the New Milford Zoning Board of Adjustment and the Board's professionals are granted permission to enter the Property for purposes of inspection in relation to this application.

Date: 2/26/21


Ari Ginsberg

Date: 2/26/21


Tamar Ginsberg

BOROUGH OF NEW MILFORD ZONING WORK SHEET

930 River Road, New Milford, NJ 07646 - (201) 967-8172 fax (201) 967-1741
 Miriam Dubin, Prospective Purchaser

\$65.00 Fee _____

Owner c/o Matthew G. Capizzi, Esq. Proposed Project Two-story addition Corner Property YES [] NO [X]

Job Location 1114 Korfitsen Road, New Milford NJ 07646 Phone Number 201-266-8300

INSTRUCTIONS Please fill in the zoning work sheet in the spaces where applicable based on your construction project. Include a copy of your survey with your project sizes, dimensions and setback figures drawn on it. You are certifying the below figures are true.

Setback Requirements

- Sheds/Detached Garages** 5' from rear & side yard (Sheds 9' high, Garages/ Gazebos 15' high)
- Pools** 6' from rear & side yard (everything associated with pool, such as walkways, heater, filter, etc.)
- IN GROUND POOLS -** Two typography site plans are required & \$500 escrow deposit for engineer review, inspection fees.
- Drainage retention systems may be required to comply with the new zero run off law, to be determined after engineer review.
- Front yard setback** The average setback line of the buildings situated within the same block & within (200') feet of either side lot line or 30 feet if no building exists within (200') feet & measured in a direction parallel to the street on which the lot faces. For any proposed front yard project please **include front yard worksheet.**
- Rear yard setback** 25% of lot depth, 20' minimum if your lot is less than 100' deep.
- Side yard setback** 10' setback for lots 65' or more of the front width of your property
7.5' setback for lots 64' or less front width of your property
- Corner setback** 30' setback
- Height** 30' high, measured from the average of four corners from the grade to the highest point of the roof.
- Story -** Where the basement ceiling is at least 3 feet above the average finished grade along any side of the building the basement shall count as one story.

SETBACK WORKSHEET

Front Yard Setback (30-21.5) (Include separate front yard worksheet for all porches, porticos) Variance Needed
 Requirement 55.0' Existing 54.40' Proposed 49.40' Yes [x] No []

Rear Yard Setback (30-21.5b)
 Requirement 20.0' Existing 40.36' Proposed No change Yes [] No [x]

Right Side Yard Setback (30-21.5c)
 Requirement 10' Existing 29.8' Proposed 10' Yes [] No [X]

Left Side Yard Setback (30-21.5c)
 Requirement 10' Existing 9.8' Proposed 9.7' Yes [X] No []

N/A Corner Setback (30-21.5c1 & c2)
 Requirement 30' Existing _____ Proposed _____ Yes [] No []

Height (30-21.6)
 Requirement 30' Existing 27.95' Proposed No change Yes [] No [x]

Stories (30-21.6) & definition of story
 Requirement 2 ½ stories Existing 2.5 Proposed No change Yes [] No [x]

Maximum Building Coverage Requirements determined by lot size (30-21.4)

Your lot size 8,349 SQ. FT. x 0.20 = 2,066 SQ. FT. ←Your requirement (A)

Maximum Total Impervious Coverage Requirements (30-21.4)

Your lot size 8,349 SQ. FT. x 0.40 = 3,050 SQ. FT. ←Your requirement (B)

Lot Coverage Worksheet (for all new houses, additions, decks, porches, etc.)

ITEM NO.	DESCRIPTION	EXISTING (SQUARE FEET)	PROPOSED (SQUARE FEET)	REMARKS
1	BUILDING FOOTPRINT	1,130 Sq. Ft.	1,962 Sq. Ft.	
2	DETACHED GARAGE	0	0	
3	ROOFED PORCHES, PATIOS AND BREEZEWAYS	25 Sq. Ft.	104 Sq. Ft.	
4	STORAGE SHEDS	120 Sq. Ft.	0	
5	OTHER ACCESSORY BUILDINGS	0	0	
6	DRIVEWAYS AND PARKING AREAS	689 Sq. Ft.	596 Sq. Ft.	
7	OPEN PORCHES, TERRACES, PATIOS AND DECKS	219 Sq. Ft.	219 Sq. Ft.	
8	STEPS AND WALKWAYS	343 Sq. Ft.	157 Sq. Ft.	
9	SWIMMING POOLS	0	0	
10	OTHER IMPERVIOUS SURFACES AC Units & Generator	0	12 Sq. Ft.	
11	TOTAL BUILDING COVERAGE (ADD ITEMS 1 THROUGH 5)	1,275 S.F. 15.27 %	2,066 S.F. 24.75 %	DIVIDE THE TOTAL SQUARE FOOT AREA BY THE LOT AREA TO DETERMINE % OF COVERAGE
12	TOTAL IMPERVIOUS COVERAGE (ADD ITEMS 1 THROUGH 10)	2,526 S.F. 30.26 %	3,050 S.F. 36.53 %	

Variance Needed

BUILDING COVERAGE: Required 20% (A), Proposed: 24.75% (11) Yes [x] No []

TOTAL IMPERVIOUS LOT COVERAGE Required 58% (B), Proposed: 36.53% (12) Yes [] No [x]

Pools (23-3.2) (In ground, Above ground, Semi- in ground) and everything associated with the pool (filters, heaters, and walkway)

N/A Side Requirement 6' Existing _____ Proposed _____ Type of pool:
Rear Requirement 6' Existing _____ Proposed _____ INGROUND [] ABOVE GROUND [] SEMI []

The determination of the need or lack of need for a variance is not binding on the Borough of New Milford. That determination may only be made by the appropriate land use board or through the judicial process, the applicant, by making this request for a zoning determination expressly waives any argument of municipal estoppel.

Survey and as built plans may be required for this project.

Homeowner/ Architect/ Contractor Signature Miriam Dubin Phone Number (310) 925-0935
Prospective owner

<p>For Office Use Only:</p> <p>Approved [] Denied [] Variances Needed: _____</p> <p>DATE _____</p> <p>Vince Cahill - Zoning Officer 201-967-8172</p>
--



Borough of New Milford

Department of Public Works

850 Robert K. Chester Way, New Milford, New Jersey 07646
Tel.: (201) 967-8172 Fax: (201) 967-1741
Mailing address:
930 River Road, New Milford, New Jersey 07646

VINCENT A. CAHILL, CPWM, CFM, CIS, CRP
Director of Public Works
Zoning Officer
Recycling/Clean Communities Coordinator
Property Maintenance Officer
vcahill@newmilfordboro.com

SYL BRESA, CPWM
Superintendent of Public Works
Property Maintenance Officer
sbresa@newmilfordboro.com

April 2, 2021

Miriam Dubin
C/O Matthew Capizzi, Esq.
11 Hillside Avenue, Second Floor
Tenafly, New Jersey 07670

Re: Permit Application, 1114 Korfitsen Road Block 205 lot 9

Dear Mr. Capizzi,

This letter is to inform you that your application to construct a two-story addition at the above address has been denied. The construction violates Borough codes 30-21.4 (c) (1) building coverage you propose 2,066 sq ft where 1,669.8 is allowed, and 30-21.5 (c) (2) side yard setback, you propose 9.7 feet where 10 feet is required, and any other that the Board may deem necessary.

30-21.4 Area Requirements.

c. *Maximum Building and Impervious Coverage Requirements.* Within the Residential A and Residential B Zones, maximum building coverage requirements shall be as follows:

1. Maximum building coverage: 20 percent.
2. Maximum total impervious coverage: 40 percent

c. *Side Yards.*

1. There shall be two (2) side yards. The least dimension of either side yard shall be not less than ten (10') feet; provided, however, that in the case of a corner lot, the exterior side yard shall be not less than thirty (30') feet in width and the interior side yard not less than ten (10') feet in width.
2. Each side yard of an interior lot having a frontage of sixty-five (65') feet or more shall be not less than ten (10') feet; where a lot has a frontage less than sixty-five (65') feet, each side yard shall be not less than seven and one-half (7 1/2') feet. However, in the case of a corner lot, the exterior side yard shall be not less than thirty (30') feet.

If you wish to schedule a meeting with the Zoning Board of Adjustment please contact Board Secretary, Maureen Oppelaar, at 201-967-5044 extension 5560.

Sincerely,

Vincent A Cahill, CPWM, CRP
Zoning Officer

REVISIONS		
DATE	NAME	NO.
2-2-89	WARREN D. SKRABLE	13457
12-30-91	RAIMONDI ASSOC.	-
11-18-96	WARREN D. SKRABLE	13457
9-28-98	JOHN C. RICHARDSON JR.	20789
4-20-01	" " " "	" " " "
4-15-03	JOHN C. RICHARDSON JR.	20789
12-31-03	JOHN C. RICHARDSON JR.	20789



SHEET 1

SHEET 4

BERGENFIELD

OF

BOROUGH

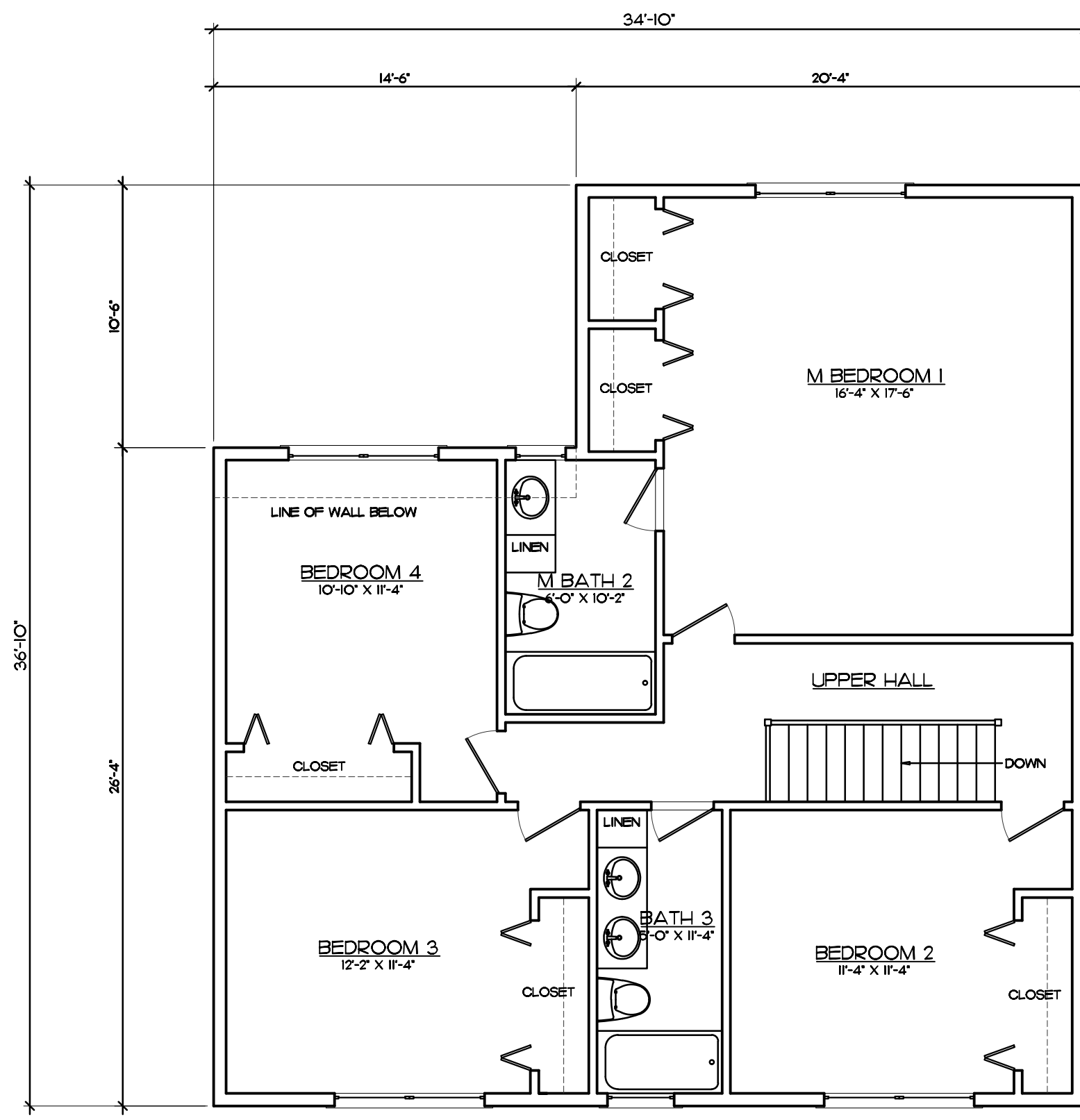
TOWNSHIP

TEANECK

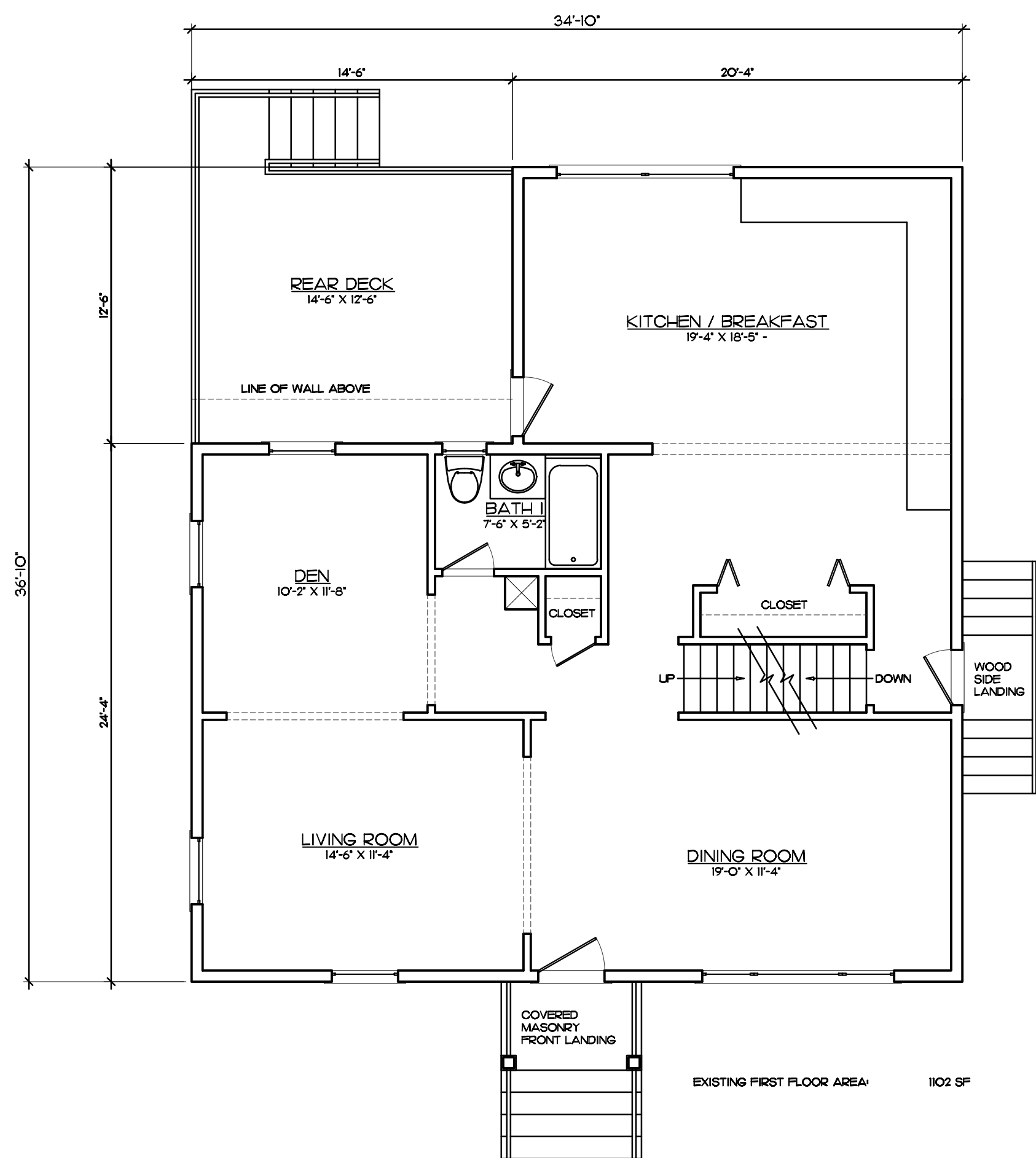
TAX MAP
BOROUGH OF NEW MILFORD
 BERGEN COUNTY, NEW JERSEY
 SCALE: 1"=100' JANUARY 1986
 WM. O. SCHWANEWEDE P.E. & L.S. 14230
 201 THE PLAZA, TEANECK, NJ 07666

LOCAL PROPERTY AND PUBLIC UTILITY BRANCH
 APPROVED AS A TAX MAP PURSUANT TO THE
 PROVISIONS OF CHAPTER 175, LAWS OF 1913, ETC.
 FOR THE DIRECTOR, DIVISION OF TAXATION
William O. SchwaneWeede
 P.E. & L.S.
 L.I.C. #16436
 DATE SEP 24 1986 SERIAL NO. 858

COMPUTER DRAFTING BY T.O. VOGLINBACH, INC., P.O. BOX 68, BRICKTON, N.J. 08611



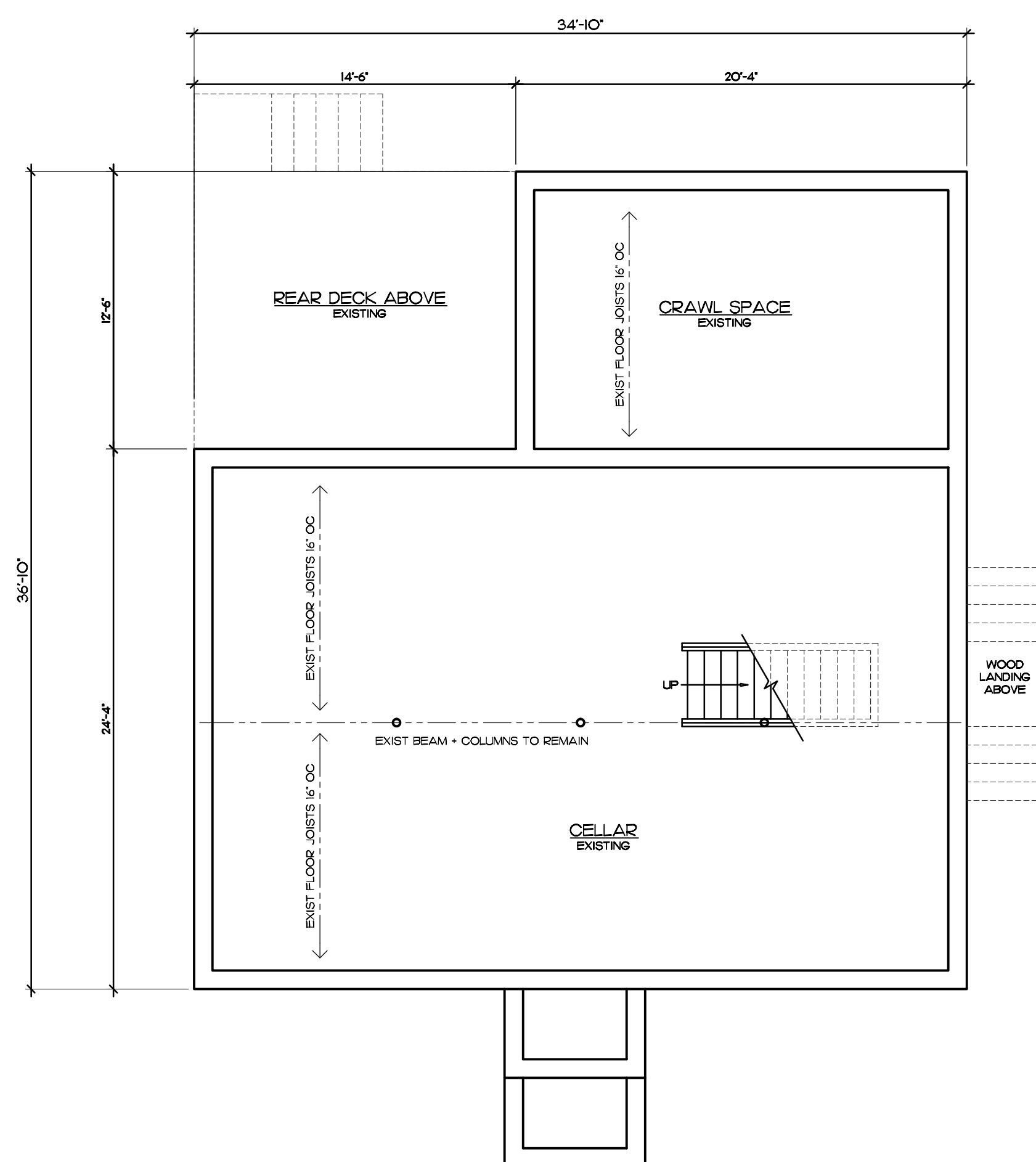
(2X) EXISTING SECOND FLOOR PLAN
 3/16" = 1'-0"



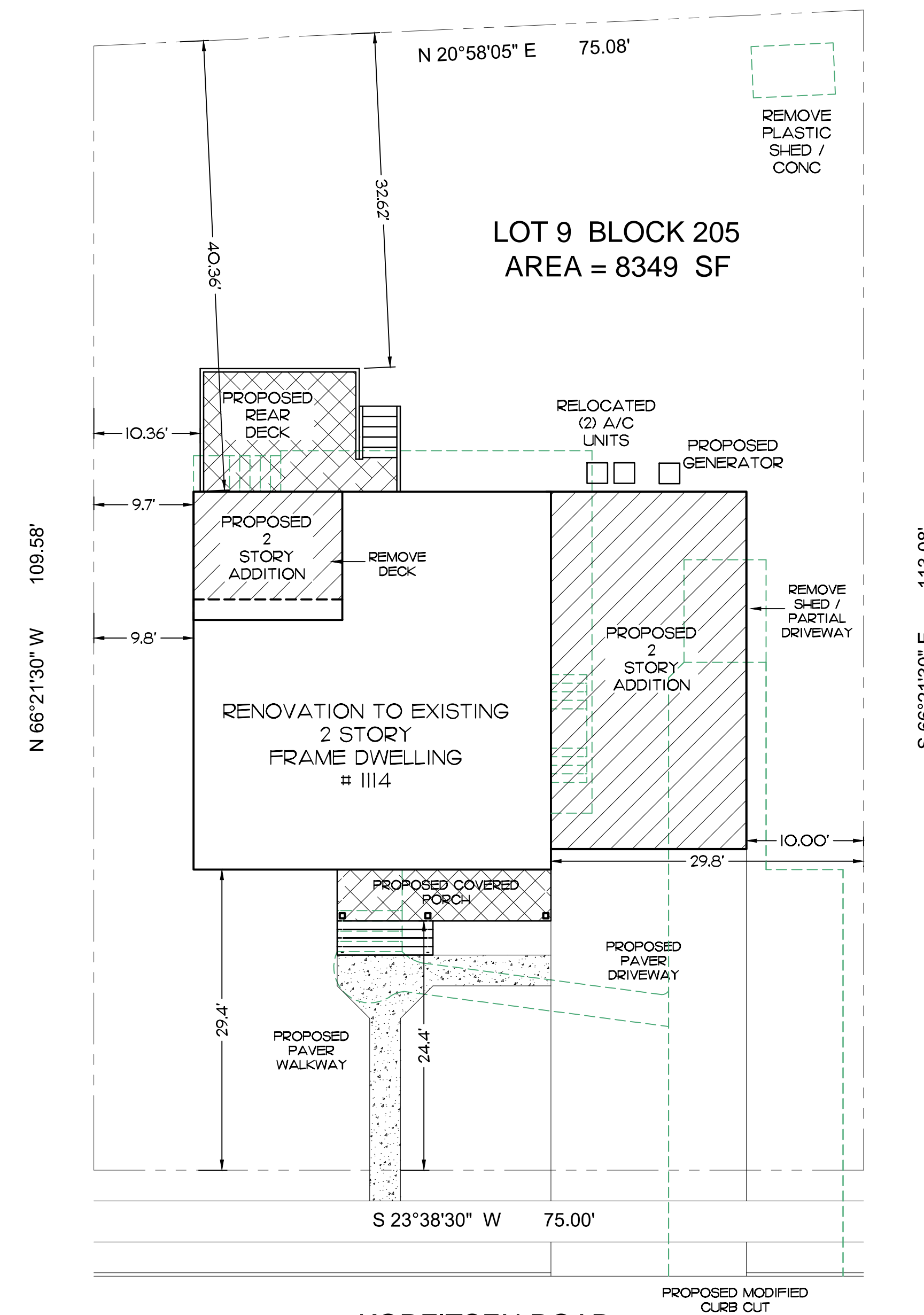
(1X) EXISTING FIRST FLOOR PLAN
 3/16" = 1'-0"

ELECTRICAL LEGEND	
	• SURFACE MOUNT LIGHT FIXTURE
	• 6" DIA. (L.O.N) RECESSED FIXTURE
	• WALL MOUNTED LIGHT FIXTURE
	NEW OR EXIST SMOKE ALARM, INTERCONNECTED • HARD-WIRED W/ BATTERY BACKUP
	NEW OR EXIST CARBON MONOXIDE DETECTOR, INTERCONNECTED • HARD-WIRED W/ BATTERY BACKUP
	• SURFACE MOUNT FAN / LIGHT FIXTURE
	• SINGLE POST ELECTRICAL SWITCH
	• THREE WAY SWITCH
	• DUPLEX RECEPTACLE OUTLET
	• GROUND FAULT INTERRUPT RECEPTACLE OUTLET
	• WATER PROOF RECEPTACLE OUTLET
	NEW OR EXIST EX-HAUST FAN, 80 CFM • 3 FIXTURES, 110CFM • 4 FIXTURES
	NEW CABLE TV OUTLET FOR CABLE TV, INTERNET
	NEW TELEPHONE OUTLET - VERIFY TYPE • LOCATION WITH OWNER

LEGEND	
	EXISTING 2 X 4 WOOD CONSTRUCTION TO REMAIN
	EXISTING 2 X 4 WOOD CONSTRUCTION TO BE REMOVED
	NEW 2 X 4 OR 2 X 6 WOOD CONSTRUCTION, 16' OC (L.O.N)
	EXISTING CONCRETE CONSTRUCTION TO REMAIN
	EXISTING CONCRETE CONSTRUCTION TO BE REMOVED
	NEW POURED OR MASONRY CONC CONSTRUCTION
FLOOR ABOVE OR BELOW	
	NEW JOISTS, RAFTERS, ETC.
	NEW GIRDERS, RIDGEBEAMS, ETC.



(CX) EXISTING CELLAR FLOOR PLAN
 3/16" = 1'-0"



(S) SITE PLAN
 1" = 10'-0"

INFORMATION ON THIS SITE PLAN HAS BEEN TAKEN FROM A PROPERTY SURVEY FURNISHED TO THE ARCHITECT BY THE HOMEOWNER, JAMES P. DEADY SURVEYOR, LLC, WHITEHOUSE STATION, NJ, DATED 1-13-15

BUILDING COVERAGE CALCULATIONS:

AREA IN SQUARE FEET	EXIST	NEW	TOTAL
SHED(S)	120	-120	0
OVER-HANG	28	-28	0
FRONT COVERED PORCH	25	79	104
HABITABLE BUILDING AREA	1102	860	1962
TOTAL BUILDING COVERAGE	1275	791	2066

IMPERVIOUS COVERAGE CALCULATIONS:

AREA IN SQUARE FEET	EXIST	NEW	TOTAL
BUILDING COVERAGE	1275	791	2066
DRIVEWAY	689	-93	596
WOOD DECK + STEPS	219	0	219
A/C UNITS + GENERATOR	0	12	12
STEPS, LANDINGS + WALKWAYS	343	-186	157
TOTAL IMPERVIOUS COVERAGE	2526	524	3050

FLOOR AREA RATIO CALCULATIONS:

AREA IN SQUARE FEET	EXIST	NEW	TOTAL
FINISHED FIRST FLOOR AREA	1102	860	1962
FRONT COVERED PORCH	25	79	104
FINISHED SECOND FL AREA	1130	832	1962
TOTAL AREA	2257	1771	4028

BUILDING CODE INFORMATION:

EXISTING BUILDINGS - LCC REHABILITATION SUBCODE NJAC 5:23-6.1
 INT. RESIDENTIAL CODE - NJ EDITION 2018.
 INT. ENERGY CONSERVATION CODE 2018
 2018 INTERNATIONAL MECHANICAL CODE
 2017 NATIONAL ELECTRICAL CODE
 2018 NATIONAL STANDARD PLUMBING CODE
 2018 INTERNATIONAL FUEL GAS CODE

BUILDING/SITE CHARACTERISTICS:

NUMBER OF STORIES	2.5 STY
HEIGHT OF STRUCTURE	27.95'
AREA - LARGEST FLOOR	1962 SF
NEW BUILDING AREA	1771 SF
VOLUME OF NEW STRUCTURE	24,794 CF
CONSTRUCTION CLASSIFICATION	5B
TOTAL LAND AREA DISTURBED	939 SF

DESCRIPTION OF BUILDING USE:

USE GROUP R-5, SINGLE FAMILY RESIDENTIAL

MAXIMUM LIVE LOADS:

60 PSF FOR DECK / BALCONIES
 40 PSF FOR FIRST FLOOR
 30 PSF FOR SECOND FLOOR
 30 PSF FOR ROOF SNOW LOADS

RESIDENCE PROPERTY ZONING ANALYSIS

NEW MILFORD ZONE R-2A, RESIDENTIAL 1 FAMILY		LOT 9 BLOCK 205		LOT AREA: 8349 SF	
ZONING	REQUIRED	EXISTING	PROPOSED	STATUS	
MIN. LOT AREA	7,500 SF	8349 SF	NO CHANGE	CONFORMS	
LOT WIDTH	75.0'	75.0'	NO CHANGE	CONFORMS	
LOT DEPTH	NA	109.58'	NO CHANGE	CONFORMS	
FRONT YARD SETBACK	55.0'	54.40'	49.40'	VARIANCE	
REAR YARD SETBACK	20.0'	40.36'	NO CHANGE	CONFORMS	
ONE SIDE YARD SETBACK	10.0'	9.8'	9.7'	VARIANCE	
COMBINED SIDE YARD SETBACKS	20.0'	39.6'	19.7'	VARIANCE	
MAX BUILDING COVERAGE	20% (1670 SF)	15,278 (1275 SF)	24,758 (2066 SF)	VARIANCE	
MAX IMPERVIOUS LOT COVERAGE	60% (5009 SF)	30,268 (2526 SF)	36,538 (3050 SF)	CONFORMS	
BUILDING HEIGHT	2.5 STY. / 30.0'	2.5 STY. / 27.95'	NO CHANGE	CONFORMS	

* MAX IMPERVIOUS LOT COVERAGE INCLUDES BUILDING COVERAGE + OTHER IMPERVIOUS COVERAGES

#	Date	Revision

Addition + Renovation for:

Dubin Residence
 Block: 205 Lot: 9
 1114 Korfitsen Road
 New Milford, New Jersey

EXIST + SITE PLANS,
 LEGEND + ZONING

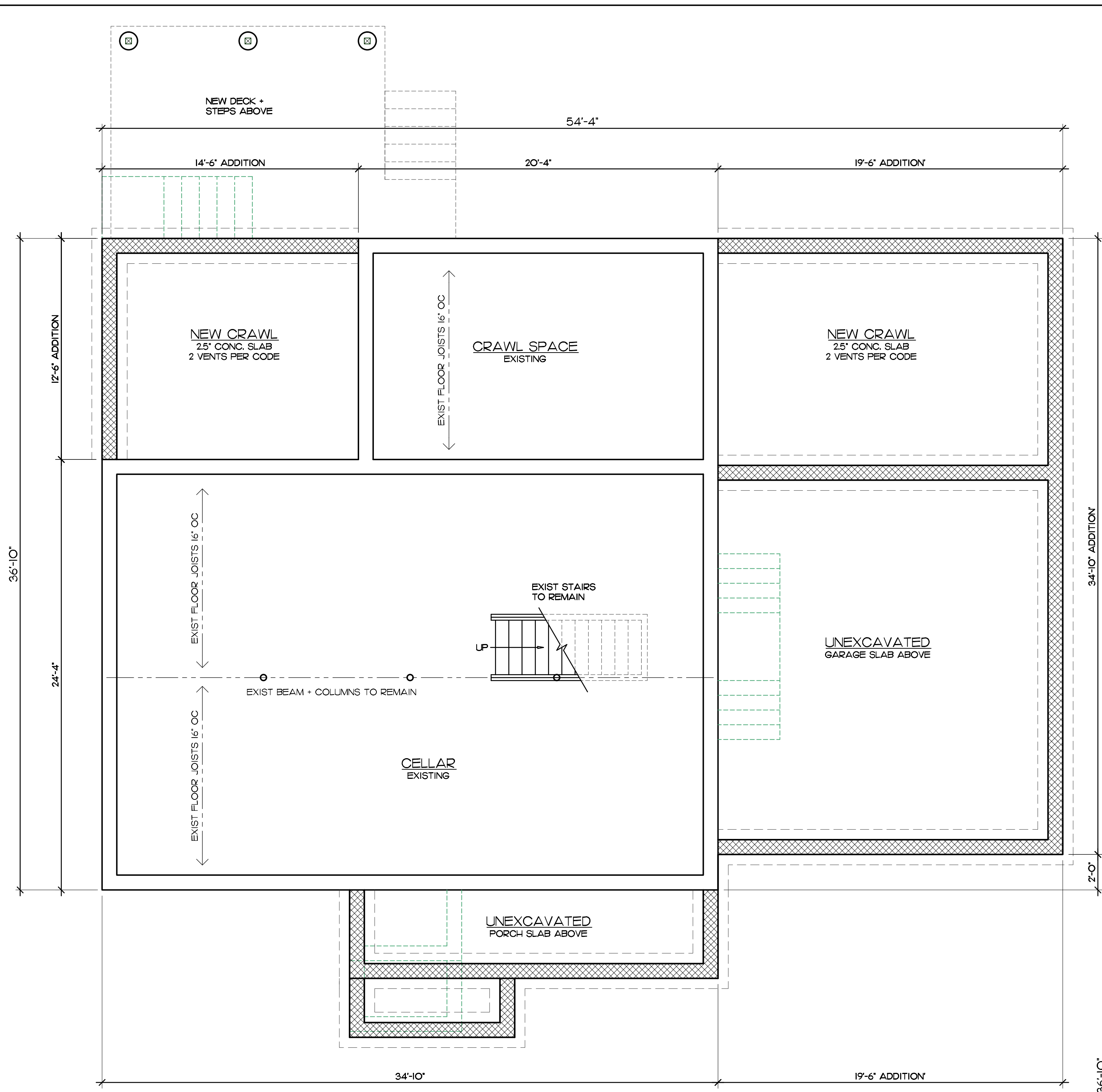
Scale: AS NOTED

Date: MARCH 4, 2021

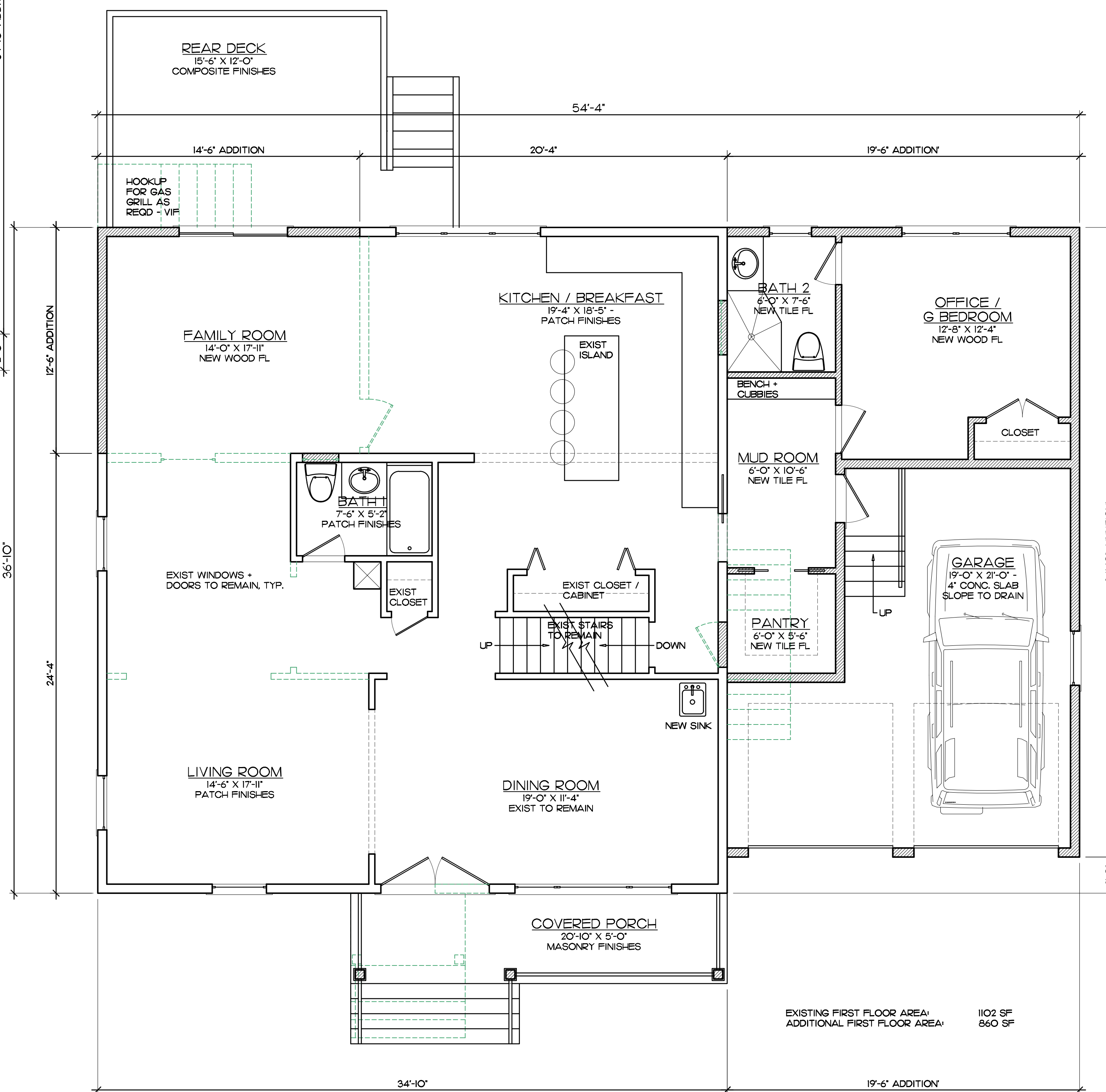
Submission: DESIGN DEVELOPMENT

Indemnification Clause:
 The owner shall release, hold harmless, and indemnify the Architect with respect to any changes made to the construction documents by anyone other than the Architect, or changes in any aspect of the work, or failure by the Contractor to build in accordance with these construction documents.

A1



Ⓒ PROPOSED CELLAR FLOOR PLAN
 1/4" = 1'-0"



Ⓘ PROPOSED FIRST FLOOR PLAN
 1/4" = 1'-0"

EXISTING FIRST FLOOR AREA: 1102 SF
 ADDITIONAL FIRST FLOOR AREA: 860 SF

#	Date	Revision
Addition + Renovation for:		

Dubin Residence

Block: 205 Lot: 9
 1114 Korfitsen Road
 New Milford, New Jersey

PROPOSED FLOOR PLANS

Scale: 1/4" = 1'-0"

Date: MARCH 4, 2021

Submission: DESIGN DEVELOPMENT

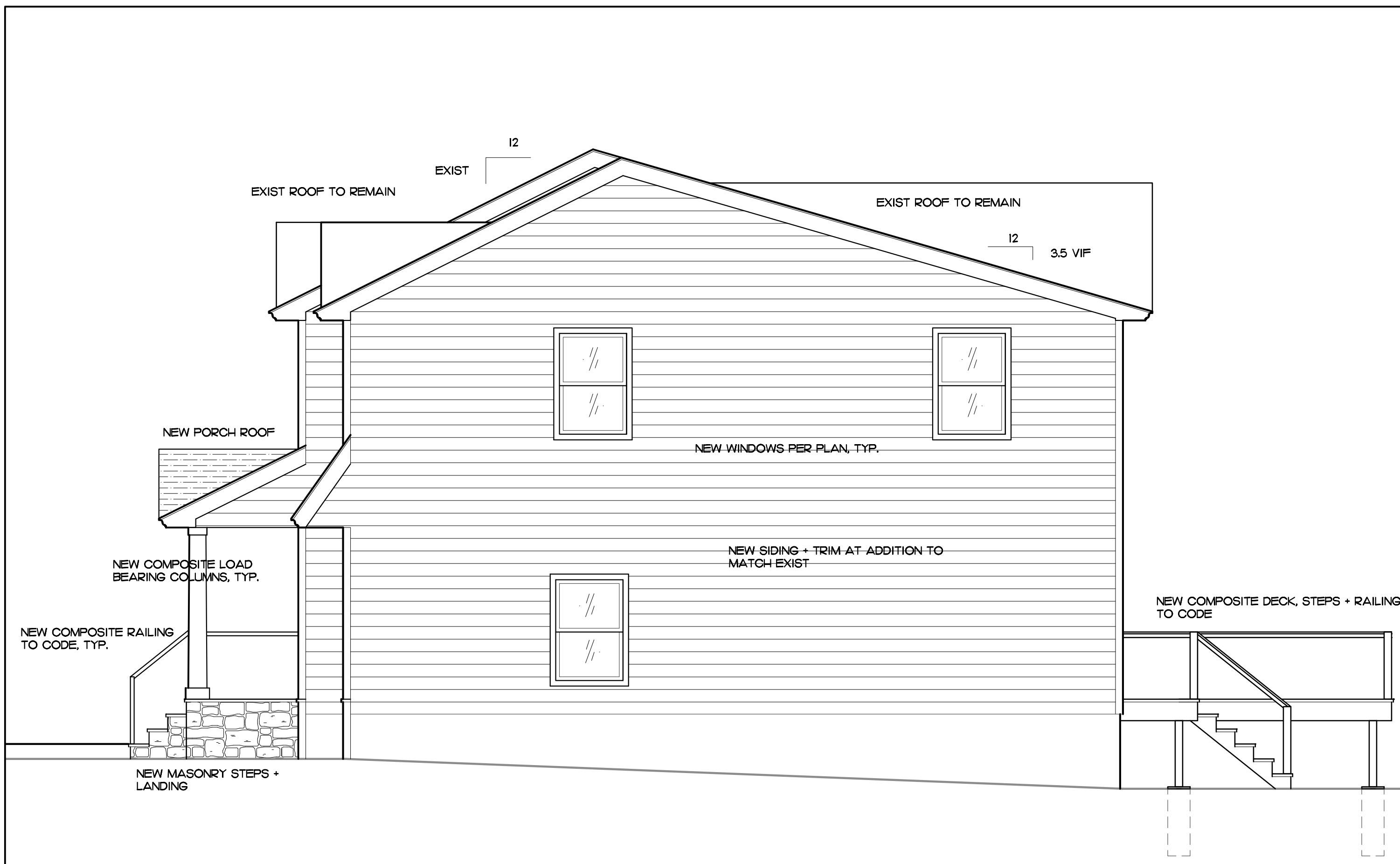
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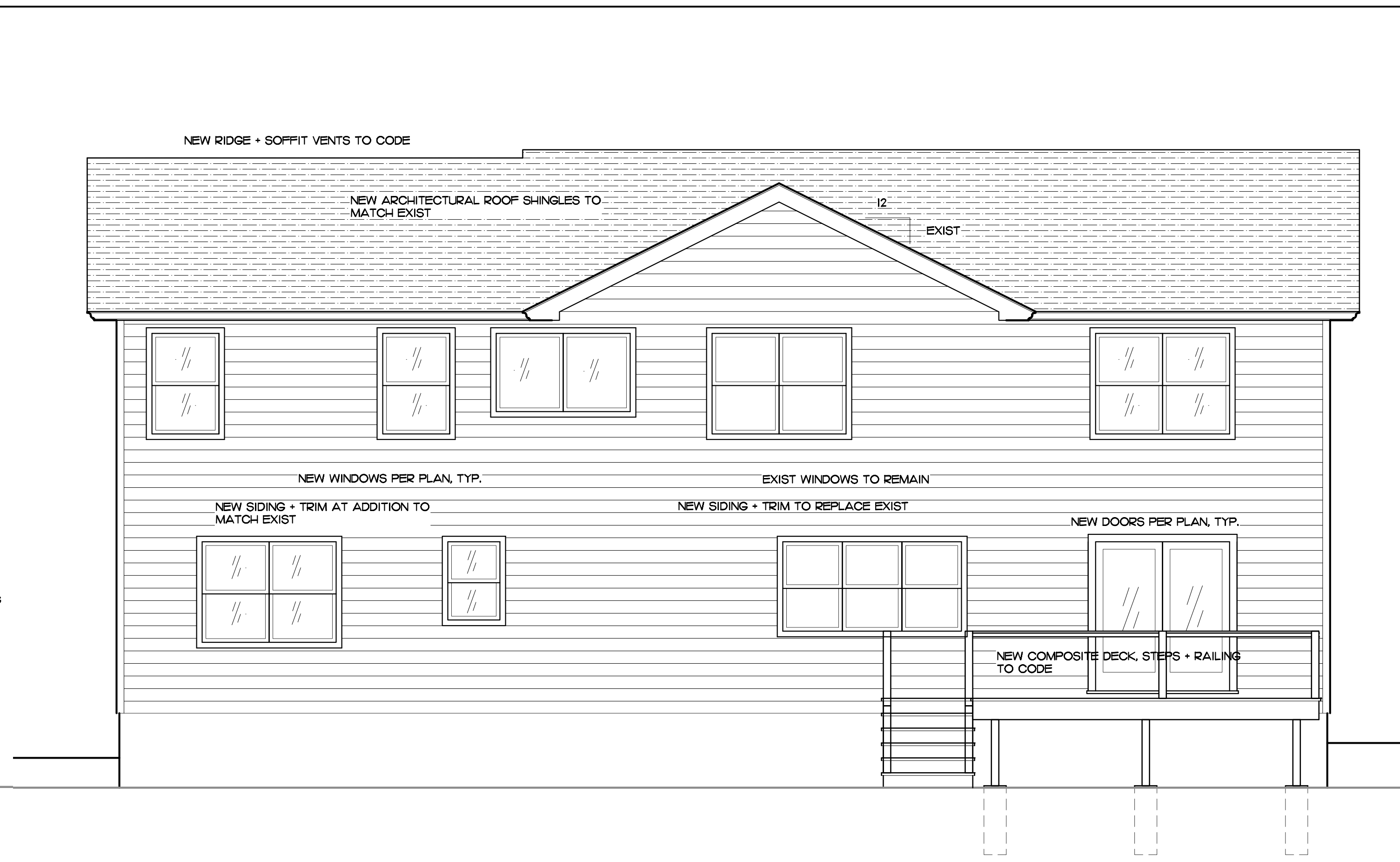
EXISTING SECOND FLOOR AREA: 1130 SF
ADDITIONAL SECOND FLOOR AREA: 832 SF

2 PROPOSED SECOND FLOOR PLAN
1/4" = 1'-0"

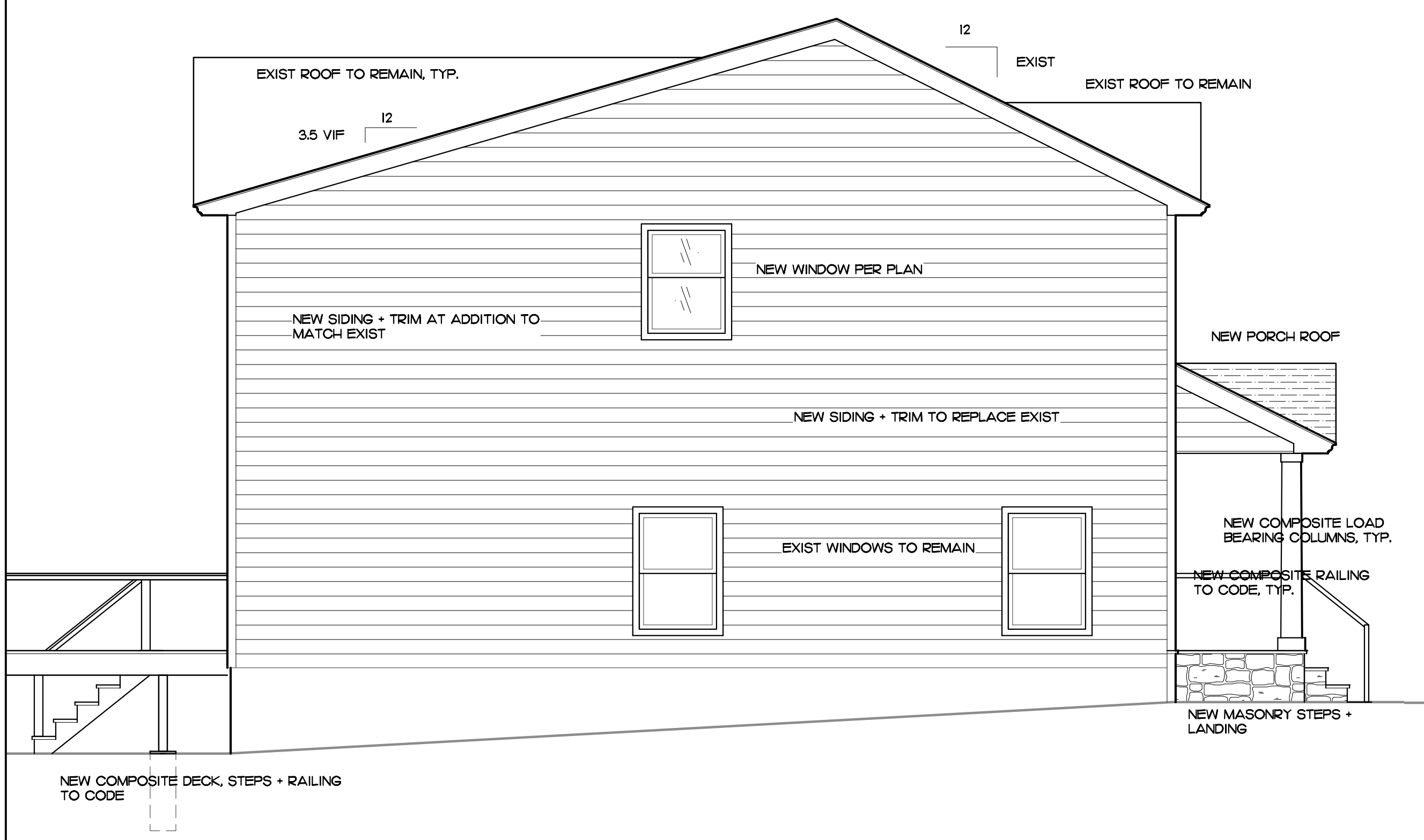
#	Date	Revision
Addition + Renovation for:		
Dubin Residence		
Block: 205 Lot: 9 1114 Korfitsen Road New Milford, New Jersey		
PROPOSED FLOOR PLANS		
Scale: 1/4" = 1'-0"		
Date: MARCH 4, 2021		
Submission: DESIGN DEVELOPMENT		
Indemnification Clause: The owner shall release, hold harmless, and indemnify the Architect with respect to any changes made to the construction documents by anyone other than the Architect, or changes in any aspect of the work, or failure by the Contractor to build in accordance with these construction documents.		



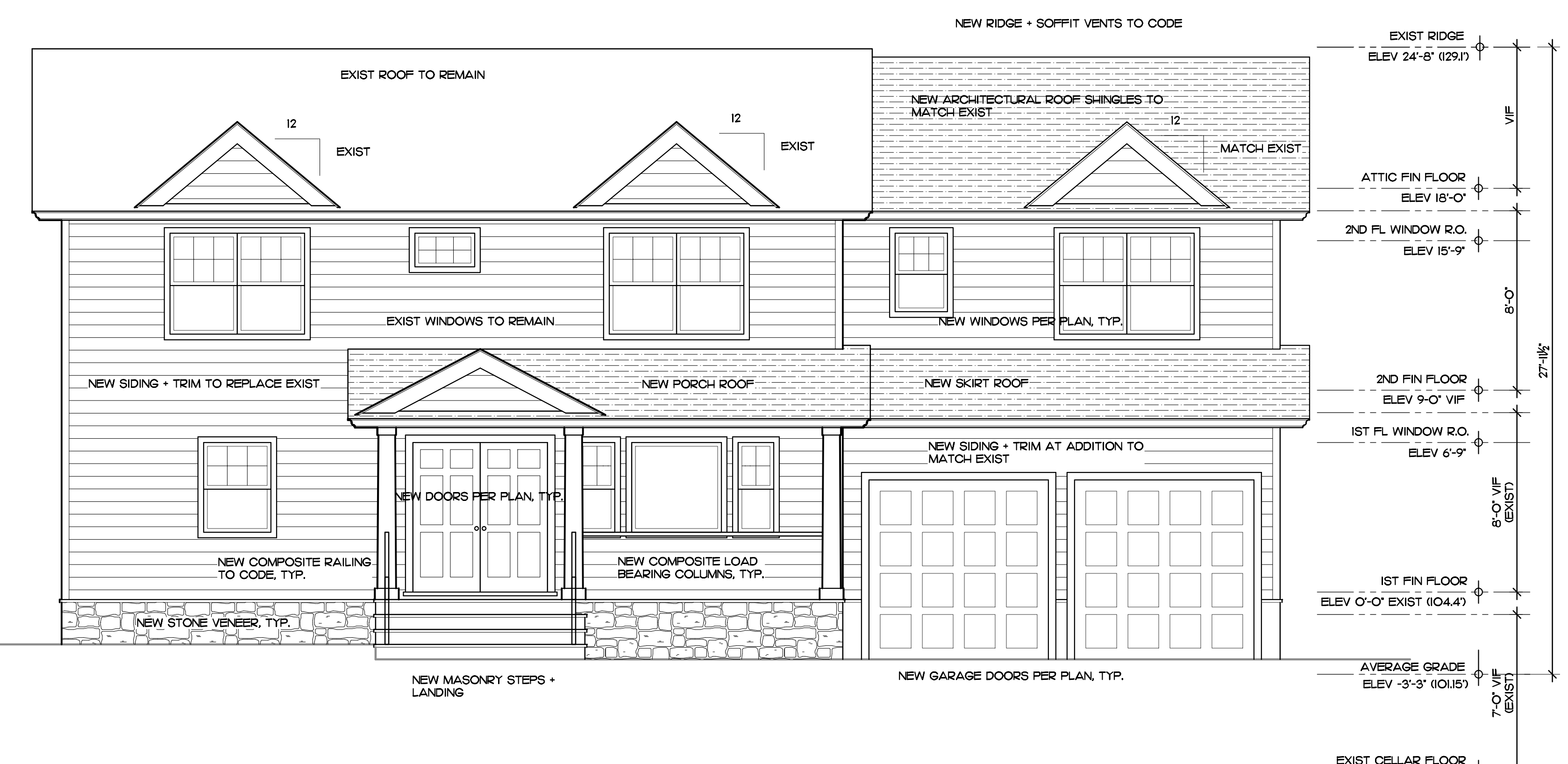
4 RIGHT-SIDE ELEVATION
 1/4" = 1'-0"



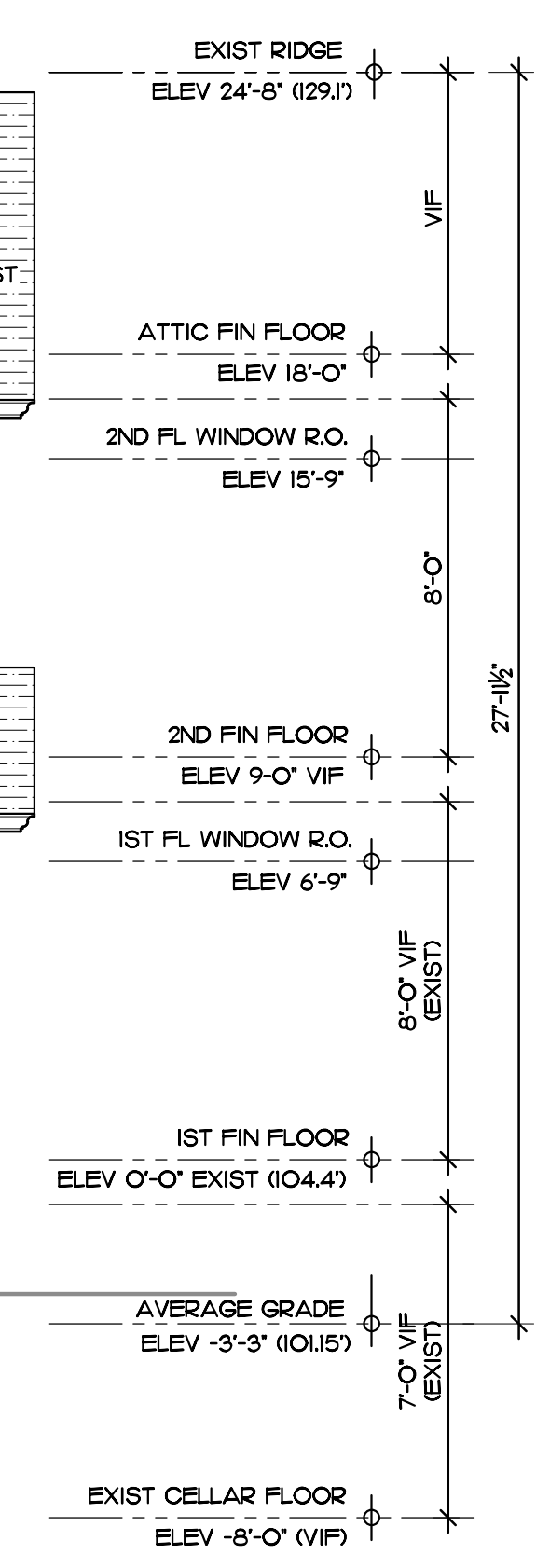
5 REAR ELEVATION
 1/4" = 1'-0"



6 LEFT-SIDE ELEVATION
 1/4" = 1'-0"



3 FRONT ELEVATION
 1/4" = 1'-0"



#	Date	Revision
		Addition + Renovation for:
		Dubin Residence
		Block: 205 Lot: 9 1114 Korfitsen Road New Milford, New Jersey
		ELEVATIONS
		Scale: 1/4" = 1'-0"
		Date: MARCH 4, 2021
		Submission: DESIGN DEVELOPMENT
		Indemnification Clause: The owner shall release, hold harmless, and indemnify the Architect with respect to: any changes made to the construction documents by anyone other than the Architect, or changes in any aspect of the work, or failure by the Contractor to build in accordance with these construction documents.