

Regular meeting of the Haworth  
Planning Board on May 20, 2015, at the  
Municipal Center.

**PRESENT** John Smart, Mayor  
Andrew Rosenberg, Council Liaison - Via Telecommunication  
Andrew Anderson  
Joan Landesman  
Bernard Troy

**ABSENT:** Thomas Ference, Chairman  
Antonio Cammalleri  
Edmond Ezra, Public Official  
Leona Kosmac  
Nancy Minikes  
  
Mark Madaio, Board Attorney

The meeting was called 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.

Since there was an absence of a quorum, an informal meeting was conducted.

**ACCEPTANCE OF THE MINUTES**

Due to the absence of a quorum, the April 2015 minutes will not be reviewed until the next meeting.

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### COAH COURT DECISION PRESENTATION

Caroline Reiter, Planner, was in attendance to make a presentation on the N. J. Supreme Court Decision on C.O.A.H. It was noted that she would be making the same presentation to the Mayor and Council at their meeting on Tuesday evening.

Ms. Reiter introduced herself and went over her background and experience. She reviewed and expanded on the memorandum she sent to the Mayor and Council dated March 15, 2015, which related to the March 10<sup>th</sup> court decision. In essence the following statements were made.

Ms. Reiter talked about what had transpired during Rounds 1, 2, and 3. She said that Haworth's obligation to COAH had been sixty-five units. Ms. Reiter said that the rules were revised for Round 3 and COAH was told to make new rules, which should be developed and adopted in a timely manner.

Ms. Reiter explained that the Borough had to submit a Declaratory Judgment by July 8, 2015, if they did not receive a Substantive Certification. This meant that the town had provided its fair share of affordable housing and would not be subject to exclusionary housing or "builder's remedy" lawsuits if it was submitted and approved. She said that the Borough did not receive the Certification so they would have to submit a plan, come up with numbers, show how they would provide affordable housing, and how they were moving forward. Ms. Reiter said that was where the Borough was today.

Ms. Reiter stated that she was working with Borough Attorney, Bob Regan, on the Declaratory Judgment. She said that all towns in New Jersey were in this unusual situation. Ms. Reiter explained that if Haworth did not meet the July 8<sup>th</sup> deadline, they would not have any type of protection and developers could file a Builder's Remedy.

Mrs. Landesman asked where the old plans were located. She felt they should be used so they didn't have to keep making up new documents.

Ms. Reiter said that the Round 3 Plans did not receive Substantive Certification in 2008 since the plan was due by December 31<sup>st</sup> and it was not submitted until December 30<sup>th</sup>.

Mrs. Landesman asked that if the Board prepared and adopted that plan, couldn't they just be resubmitted.

Ms. Reiter explained that some items and plans are the same but they cannot be submitted because the rules had been thrown out and are no longer valid.

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There was discussion.

Mr. Troy asked Ms. Reiter if she would be working with Mr. Hakim and she responded that he gave her the Vacant Land Analysis.

Mr. Troy said that it looked as though the Board would have to do something before their next meeting on June 17<sup>th</sup>.

Ms. Reiter said that Haworth's affordable housing obligation would have to be determined and what was appropriate and reasonable. She explained that she reviewed what had been done - even going back to David Zimmerman's Plan from many years ago. She said that his Vacant Land Analysis was accepted by COAH. Ms. Reiter said they needed to do a vacant land adjustment.

Ms. Reiter went over the Borough's possible obligation.

Mr. Anderson stated that Mr. Hakim might have shown in his analysis that he (Mr. Anderson) had looked at all the streams in town and he sketched them on the tax maps. Mr. Anderson said he wanted to make sure that all those little ditches were included and noted as C-1 streams. Mr. Anderson asked to see the analysis.

There was discussion about vacant land adjustment and an overlay zone.

Ms. Reiter said they would look at how to provide affordable housing in the Borough; they would look at what now exists in town, and also look at where this housing could be located.

There was discussion relating to the commercial area and Borough-owned land.

Ms. Reiter talked about an accessory apartments ordinance, which would permit the addition of accessory apartments over garages or something else. She also talked about the possibility of expanding Spectrum For Living since there was a need for additional population. A comment came up about 55 and over condominiums and Ms. Reiter stated that a small part of their obligation could be a considered for that use.

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There was discussion on the ordinances which would be required for some of the alternatives. Ms. Reiter explained that there were realistic opportunities and a bulk of the time before the deadline would be spent with all of the "back and forth" to figure it out. She said the Mayor and Council would have to adopt the ordinances within a certain time period. Ms. Reiter said that if the Planning Board adopted the housing element plan, it would go the Governing Body. Then, if they approved the plan, the required ordinances would have to be adopted and the Borough would receive a Substantive Certification pursuant to the ordinance.

Mr. Anderson asked about the number of units for the Borough's possible obligations and Ms. Reiter said that they were defensible.

There was discussion about the possible requirement for the number of units.

Ms. Reiter went over the recommended number of units she would be submitting. She pointed out that the town does not have a lot of vacant land. Ms. Reiter said she also wanted to see how and what the other towns were doing.

There was discussion about the alternative plans.

Mayor Smart stated that there were isolated pockets of land located here and there and it would not be good planning to put affordable housing just here and there.

Ms. Reiter agreed. She talked about accessory apartments. Ms. Reiter said that they almost made sense and there were homes where they could be envisioned.

Ms. Reiter stated that Spectrum was a great neighbor and the Borough would be a great support system.

Mr. Troy asked if anyone would come back to the Board in the five-month period to find out if the Borough had looked into plans for the units.

Ms. Reiter explained that it would depend upon who gets involved with Haworth's case and looks at the plan.

Mayor Smart stated that he felt an analysis made sense. He felt that the process outlined was the most sensible one for the Borough.

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Councilman Rosenberg pointed out that if property owners did not want to do accessory housing, the town could not force them.

Ms. Reiter replied that it was a realistic opportunity. She said these were all things that had been accepted before.

There was discussion on whether the area by Schaeffer Gardens was in wetlands.

Ms. Reiter stated that they had already been there and found that it was a C-1 area.

Mr. Troy asked what she needed from the Board between now and July 8<sup>th</sup>.

Ms. Reiter explained that she would be putting together a plan and hopefully get it adopted at the next meeting. She asked if the Board wanted to have another meeting after the Mayor and Council meeting.

Mr. Troy said they could plan something between June 17<sup>th</sup> and July 8<sup>th</sup>.

Mr. Anderson said that they needed a flow chart and time frame.

Mayor Smart asked if everything had to be in the report.

Ms. Reiter stated that Mr. Ryan wanted everything in it and it would say, "This is what we have done in the past, this is how we got to the numbers, and this is how we are going to meet it." Ms. Reiter stressed that this would be a very tight time situation.

Councilman Rosenberg noted that they had another Council meeting scheduled for July 7<sup>th</sup>.

There was discussion about that meeting.

Ms. Reiter suggested having a meeting that evening with the two groups at the same time.

Mr. Troy stated that Ms. Reiter and Mr. Ryan had to come up with a time line.

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Mr. Anderson agreed. He said that they had to have a plan of what they were going to do, what the Planning Board had to do, and what was necessary to make it binding.

Ms. Reiter said that the time line for now was the next Planning Board meeting and the Mayor and Council meeting.

Mr. Troy stated that they needed another meeting.

Ms. Reiter said she would be doing the housing element and it would be submitted by June 6<sup>th</sup> - some other things would come later.

Mr. Anderson asked when they would have a draft of the time line.

Ms. Reiter stated that she would have it ready for the Council meeting on Tuesday.

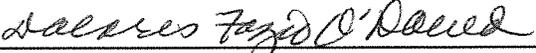
Mr. Anderson said he would be attending that meeting.

### **MAYOR'S REPORT**

Mayor Smart said he was sadly reporting that Harry Kraus passed away that week. Mr. Kraus had served Haworth as Building Official for many years.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
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Dolores Fazio O'Dowd