

Regular meeting of the Haworth
Planning Board on March 18, 2015, at
the Municipal Center.

PRESENT: Thomas Ference, Chairman
John Smart, Mayor
Andrew Rosenberg, Council Liaison
Andrew Anderson
Antonio Cammalleri
Bernard Troy

Mark Madaio, Board Attorney

ABSENT: Edmond Ezra, Public Official
Leona Kosmac
Joan Landesman
Nancy Minikes

The meeting was called to order and upon roll call, the above members were present. It was noted that Mr. Ezra, Ms. Kosmac, Mrs. Landesman, and Mrs. Minikes were not able to attend this meeting.

Due notice of this meeting was given in accordance with the New Jersey Open Public Meetings Act.

ACCEPTANCE OF THE MINUTES

The minutes of the February 2014 Reorganization Meeting were reviewed.

Mr. Troy moved to accept the minutes as accepted subject to the rights of absent members to correct statements directly attributed to them.

Seconded by Mr. Anderson and unanimously carried.

The minutes of the February 2014 Regular Meeting were reviewed.

Mr. Troy moved to accept the minutes as accepted subject to the rights of absent members to correct statements directly attributed to them.

Seconded by Mr. Anderson and unanimously carried.

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The Board welcomed its new member, Antonio Cammalleri.

Mayor Smart congratulated Mr. Cammalleri and administered the Oath of Office to him.

In essence, the following was discussed.

COAH

Dr. Ference reported that there wasn't a business agenda this evening but the Board would discuss things which would affect the Borough's future. He said that Mr. Hakim was invited so that he and Mr. Anderson could discuss the downtown district.

Dr. Ference referred to a memo from Carolyn Reiter, of Statile and Associates, relating to COAH. He said the Board has a limited sense of business issues but they have anticipatory issues but no action is required of the Planning Board right now. Dr. Ference said that a Land Use Plan is now required every ten years. If they think about COAH and the downtown district, it may be in their best interest to discuss the Master Plan strategically rather than doing it because it will be mandatory.

Mr. Hakim talked about what has gone on with COAH and what they will be requiring as well as avenues for Builders' Remedy Suits. He explained the procedure. Mr. Hakim went over what action the Borough has taken to satisfy COAH and also which land COAH will be looking at as possible sites.

There was discussion.

Mr. Hakim said that the Planning Board needs to adopt a plan which would create realistic opportunities to fulfill their requirement. He said that the Borough Planner will have to come up with a viable plan to the satisfaction of this Board and the Borough Council and then give it to their attorney.

Dr. Ference said he was sure that at some time, they would be hearing from the Mayor and Council and the Board would have to go to work in order to be on top of everything. He stated that they essentially have no buildable land in the Borough.

Mr. Hakim advised that they would have to create a Fair Share Housing Plan.

Mr. Madaio talked about what some planners in other towns have done.

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Mr. Hakim said that, ultimately, COAH is going to come down on the Borough and put their case before a judge. The result will be about who has a more compelling argument.

Dr. Ference stated for the record that Spectrum for Living was built on land donated by the Borough.

There was discussion about Round 3.

Mr. Madaio talked about other towns' efforts with making their contributions by buying out housing units at \$20,000 each. He pointed out that the cost of those units now is much more than \$20,000 and would not be feasible any more.

Dr. Ference referred to the letter from Carol Reiter of Christopher Statile's office.

Mr. Madaio talked about what they did in another town in Bergen County. He said that it should be the Borough's intent to create a realistic opportunity and the Borough Planner should be in charge. The housing element would be the Fair Share Plan and the Board would be told what to do. He said that most of those planners will be doing this out of necessity. He explained the procedure and pointed out that a Declaratory Judgment would have to be filed. He elaborated

Mr. Madaio talked about the builders' position. He said that if COAH becomes a working entity, they can make deals and the Board would have to come up with some real plans.

Mayor Smart stated that there is a set of rules for Round 3 which needed to be considered.

There was discussion.

Mr. Hakim said that they could pick their objectives. There was discussion about housing for 55+.

Mr. Madaio said they were looking for simple housing for low and moderate income people. He stated that COAH's objective is primarily income related.

Mr. Madaio explained the process and there was additional discussion.

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Dr. Ference said that this was what has been happening over the life of COAH. He said that in the Fair Share Plan, the notion that they had to allow for creation of having an opportunity for people who fit the housing objectives. He again referred to the letter from Caroline Reiter relating to the New Jersey Supreme Court Decision on COAH's Round 3 rules.

Mr. Madaio said he viewed this as a 90-day period to get started.

Mr. Hakim said that the last Fair Share Housing Plan was submitted in 2008.

Mayor Smart said that this would be referred to the Borough Attorney, Bob Rega and they have to get Mr. Statile started on this now. Mayor Smart said that they were going to set up a road map at a Council meeting.

Dr. Ference said that, with all the appropriate humility, Mr. Regan should be the liaison because of his experience with all of the other towns in which he is working. He said that if the Borough Attorney or the Borough Planner would like to come to the next meeting of this body next month, it would be a good idea.

Mr. Anderson asked if they were talking about both steps.

Dr. Ference said he felt it was in stages.

There was discussion.

Dr. Ference stated that they should be talking about the "what ifs." He said they needed to start talking or thinking right now.

Mr. Hakim said that the next thing they had to do was going to require Master Plan amendments and that would be a consuming effort.

Dr. Ference said it would be an exercise of the thought process and that was most critical.

Dr. Ference asked Mr. Hakim to produce a document showing all open land and it should be emailed to Councilman Rosenberg, Dr. Ference, and Mr. Statile.

Mr. Anderson said that he went through and found all of the streams in town and he wanted to know if they were included.

Mr. Madaio said this was not selective.

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Dr. Ference pointed out that Ms. Kosmac and Mrs. Landesman were the only two members absent from the discussion this evening but they were familiar with the issues.

There was discussion.

Mayor Smart talked about the downtown district. He said they applied for a package of grants. The \$140,000 grant, which the Borough received was going to be for the improvement of Stevens Place. However, they have not aggressively taken on that project because we have to take care of the downtown renovation.

Mayor Smart said that there was a grant for improvement of the pedestrian walkway connected to the school but this walkway is not located at the school. He said that they had one grant in hand and two more on the way. Mayor Smart said that they have to meet with those taking care of building maintenance day-to-day because it has fallen apart. He said that there are cracked sidewalks and other problems. The DPW will be working on that in the Spring. Mayor Smart said the downtown district needs work.

Councilman Rosenberg pointed out that there are time limits.

Dr. Ference said that it might fit into the COAH issues and other things would be on hold. He said they had four more years, however, they should move quickly.

Mr. Hakim said that there was a difference between the Master Plan and Periodic Examination. The ten years is for Periodic Examination and is a statement of objectives. He said that they needed a solid Master Plan and the changes and elements need to be updated periodically.

Dr. Ference pointed out that they had created a Sustainability Element. He said that Master Plan elements would have to be adopted. Periodic Examinations insures that the Master Plan is not ignored. He elaborated. Dr. Ference stated that it was a document which allows the Planning Board to think about their Master Plan. His recommendation was to go back to the 2008 Periodic Examination, see where there were problems at that time, think it through to see if there are new significant issues and make recommendations.

Mr. Hakim stated that he went over the areas he felt needed work.

Dr. Ference said he thought that they should consider the issues before them.

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Mr. Hakim said that while he did not see an urgency to the Master Plan now, he felt they should do some work on it. He said that they should work on the back of the downtown district and consider what to do with trash and parking issues.

Mr. Madaio stated that they were "back burnering" the Periodic Examination. He pointed out that there was only so much money the town could pay out each year. Mr. Madaio reminded them that they have four more years.

NEW BUSINESS

Dr. Ference read a letter from Wendi Cai-Lee, of Pleasant Street, which related to purchasing adjacent land on Whitman Street. He said that it was an issue which should be handled by the Mayor and Council.

Mayor Smart stated that the subject land was a buildable lot and a 100' x 100 ft. easement.

Mr. Madaio stated that this was a Governing Body issue and it was up to them to decide whether they wanted to sell it. He said that it would have to put it out to bid.

Mayor Smart stated that it was a buildable lot and they had to decide whether they wanted to sell it.

Dr. Ference said that it would be sold as a buildable lot unless there was something about the land that they did not know. He said they could make it a conjoined lot owned by one person and it would be a reverse subdivision. He elaborated.

Councilman Rosenberg agreed that this was a buildable lot and he went on to talk about available buildable lots in the Borough.

Dr. Ference said that they had to be sure it was a buildable lot without environmental issues.

Mr. Hakim stated that any Borough-owned property other than a sliver would be in conflict with the Land Use Plan.

There was discussion with Mr. Madaio.

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Dr. Ference stated that this was a conforming lot. He asked if under the Master Plan he was hearing that there was an objection to that lot being sold. Dr. Ference said they could ask for a waiver from the language in the Master Plan.

Mr. Madaio stated that they did not need to amend the Master Plan to sell that land.

There was discussion.

Dr. Ference said the lot was offset and that always becomes an issue.

Mayor Smart said that the resident would get a response.

MAYOR'S REPORT

Mayor Smart reported on what he learned at the Bergen County Mayors' Association, which included what they said about COAH.

Mayor Smart said there was a lot of talk about the Avalon fire in Edgewater. It was built according to the rules but the question is whether they are adequate rules. He said they created tinder traps. Mayor Smart stated that they were looking at revising the building codes and, taking that into account, it would become more expensive to build.

COUNCIL REPORT

Councilman Rosenberg stated that Mayor Smart had covered everything he was going to say.

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

Seconded by Councilman Rosenberg and unanimously carried.

Respectfully submitted,


Dolores Fazio O'Dowd