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MATTHEW G. CAPIZZI, ESQ.
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Reply to New Jersey Office

September 3, 2020

Submittal for Virtual Hearing

Via Overnight Mail

Ms. Ann Fay- Borough Clerk
Borough of Haworth
300 Haworth Avenue
Haworth, NJ 07641

Re: 342 Whitman, LLC- Haworth PB (the "Applicant")
Block 1500; Lots 21.01 & 21.02 (collectively the "Property")

Dear Ms. Fay:

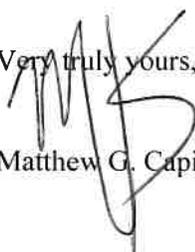
As you are aware, the Applicant has been directed to return to the Planning Board to discuss the removal of two trees from Lot 20.02. To that end, enclosed please find the following:

1. Subdivision Application modified to speak to the tree removal issue (21 copies);
2. Prior Approval Resolution dated May 15, 2019 approving the division of the lot into two building lots (21 copies);
3. Applicant's Notice of Hearing (21 copies);
4. As Built Location Survey for Lot 21.01 prepared by Azzolina & Feury Engineering Inc., dated August 10, 2020 consisting of one (1) sheet (21 copies);
5. As Built Location Survey for Lot 21.02 prepared by Azzolina & Feury Engineering Inc., dated August 10, 2020 consisting of one (1) sheet (21 copies);
6. Tree Mitigation Plan prepared by Azzolina & Feury Engineering Inc., dated August 14, 2020 consisting of one (1) sheet (21 copies); and
7. Applicant's W9 and checks:
 - Check # 1022 in the amount of \$100.00 (Application Fee)
 - Check # 1021 in the amount of \$1,500.00 (Escrow Fee).

This shall also confirm this matter will be heard by the Haworth Planning Board virtually, via Zoom, on Wednesday, September 16, 2020 at 8:00pm.

Thank you.

Very truly yours,


Matthew G. Capizzi, Esq.

MGC/gd
Enclosures

BOROUGH OF HAWORTH
APPLICATION FOR CLASSIFICATION OF A SKETCH PLAT OF A
PROPOSED SUBDIVISION

(Must be filed with the Borough Clerk-Administrator at least two weeks prior to meeting)

Filing Date: _____ Fee Collected: \$ _____
Escrow Deposit: \$ _____

TO: Haworth Planning Board:

Application is hereby made for the classification of a Sketch Plat of a proposed subdivision of land hereinafter more particularly described.

1. Applicant's Name: 342 Whitman LLC C/O Matthew G. Capizzi, Esq. Phone No. 201-266-8300

Address: 11 Hillside Avenue, 2nd Floor Tenafly, NJ 07670

Signature

MGC Attorney for Applicant

2. Name and address of present owner (if other than above):

Name: Same as applicant Phone No. _____

Address: _____

Signature

MGC Attorney for Applicant

3. Interest of applicant if other than owner:

4. Location of subdivision: 342 Whitman St. and 127 Prospect Avenue, Haworth, NJ 07641

Block 1500 ^(Street) Lot (s) 21.01 & 21.02

5. Number of proposed lots: No new lots proposed. See attached addendum to Rider for explanation of relief sought.

6. Square footage of entire tract: See Addendum. Portion being subdivided: See attached prior Approval Resolution

7. When was property acquired: June 28, 2017

8. Purpose of subdivision: a. Sell lots only? (Yes or No) N/A
b. Construct houses for sale? (Yes or No) N/A
c. Other _____

9. Will the approved application, as requested, conform to the municipal zoning code? See attached Addendum

10. Are there variances required in connection with the subdivision? N/A

11. Identify any municipal services currently provided by the Borough which are not presently available to the property in question: All services are available

12. Does property front on an improved street? (Yes or No) Yes

13. Are there existing storm drains in the street? (Yes or No) Yes

Action of the Haworth Planning Board

Classified as a _____ subdivision (major or minor)

Date Classified _____

Signed: _____, Chairman

Special requirements of the Board: _____

Waiver of any requirements by the Board: _____

Review of Preliminary Maps required: (circle)

Borough Engineer
Board of Health

Fire Department
Police Department

Board Attorney
Other:

342 Whitman Street LLC
342 Whitman Street and 127 Prospect Avenue Haworth New Jersey
Block: 1500, Lots: 21.01 & 21.02
Addendum to Haworth Subdivision Application

5. See below.

- No new lots are proposed.
- Dimensions of Existing Lots
 - Lot 21.01:
 - Frontage/Width: 109.61' x 120.08'
 - Lot Area: 12,927 sf
 - Lot 21.02:
 - Frontage/Width: 109.72 x 109.72'
 - Lot Area: 12,014 sf
- Applicant is before the Board to discuss the removal of two trees from Lot 21.02. In furtherance of this discus, the Application has filed a Tree Mitigation Plan prepared by Azzolina and Feury Engineering.

6. Square of Tract.

- Lot 21.01 contains an area of 12,927 sf
- Lot 21.02 contains an area of 12,014 sf

8. & 9. Subdivision approval is not being sought. As discussed above, we have been directed to return to the Board to discuss the removal of two trees from Lot 21.02.

10. Subdivision approval was obtained by approval resolution adopted on May 15, 2019, a copy of which attached, which required the granting of Lot Frontage and Lot Area Variances. Also attached is the Applicant's Notice which details the relief sought by this application.

**RESOLUTION OF THE PLANNING BOARD
OF THE BOROUGH OF HAWORTH FOR MINOR SUBDIVISION
OF THE PROPERTY KNOWN AS 342 WHITMAN ST.,
ALSO KNOWN AS LOT 21, IN BLOCK 1500 ON THE TAX ASSESSMENT
MAP OF THE BOROUGH OF HAWORTH**

Whereas the Planning Board of the Borough Haworth (hereinafter the "Board") received an application for minor subdivision with variances for the property known as 342 Whitman St. in the Borough of Haworth also known as Lot 21, in Block 1500;

Whereas the Board held public hearings on this matter on April 17, 2019 and May 2nd 2019; and

Whereas the applicant has published notice of these hearings and served property owners within 200 feet and other interested parties as required by law and as such provided adequate notice of both of these hearings; and

Whereas the Board has received the advice of its professionals as to this application.

Now Therefore the Planning Board of the Borough of Haworth makes the following findings of facts and conclusions:

1. The Applicant, as the owner of the property at 342 Whitman St., proposes a minor subdivision to create two (2) lots. In support of the subdivision, the applicant has offered the testimony of Barry Frenzel, professional engineer, Steve Lydon, professional planner and Albert Dattoli, an architect. The current existing condition is a lot consisting of 24,941 square feet or approximately 0.573 acres. The site is vacant and the soil is disturbed. There is an existing concrete pad, a shed, fences and some trees. According to the Applicant, the lot in question originally was two (2) lots and the Applicant's proposal is to subdivide the property again along the former lot line. The applicant proposes to

create two (2) lots including proposed lot 21.01 which has an area of 12,927 square feet and proposed lot 21.02 with an area of 12,014 square feet. The application requires four variances, two for each lot. Each proposed lot is less than required 15,000 square feet. Each lot has less than 125 feet along any street frontage.

2. The Applicant's first witness was Barry Frenzel. He was accepted by the Board as a Civil Engineer and testified in this capacity. He identified a minor subdivision map prepared by his office and marked into evidence as A-1. He identified the existing conditions including riparian area which was noted on a 2018 N.J.D.E.P application and resulted in a letter marked by the Board as A – 2, dated May 16, 2018. This exhibit indicates that the Applicant's property qualifies for flood hazard area permit by rule. Also, the previous disturbance of the riparian zone creates this qualification and this is based upon a drawing provided to N.J.D.E.P. which is similar to A-1 in evidence. The size of both of lots, lot 21.02 being 12,014 square feet, lot 21.01 being 12,927 square feet, are both undersized for the zone. He further identified that the proposed subdivision would create the lots which have less than 125 feet of width in street frontage. Proposed lot 21.01 has 109.61 feet of frontage on Prospect Avenue and 120.08 feet of frontage on Whitman Street. Proposed lot 21.02 has a frontage of 109.72 feet on Pleasant Lane and 109.72 feet on Whitman Street.

3. All on site drainage would be controlled by seepage pits. There is one tree to be removed on lot 21.02. All the other trees will remain. Applicant will provide a final site plan/subdivision plan which shall identify the tree to be removed and all other remaining trees. Further, in accordance with the Borough engineer's letter marked into evidence as B-1, Frenzel will also add the flood lines in the map. He stated that the application may be subject to a Bergen County Planning Board approval and/or Bergen County Soil Conservation Approval.

4. The Applicant next called as a witness, Steve Lydon a professional planner. He was accepted by the Board as an expert in the field of planning. His testimony was that he had reviewed the existing zoning ordinance and the Borough master plan and any re-examinations. He had made three (3) or four (4) visits to the site, including the surrounding neighborhood. It was his testimony that the lot was unique in size and shape. That is to say, it was a through lot with two corners

and it had an already disturbed topography. Through the use of Exhibits A- 3 and A-4 (lot size) he identified the existing neighborhood and a study area which consisted of the property within 200 feet and expanded to also include the additional lots because he believed there was a natural division in the neighborhood, so he created a total of 33 lots which in his view were the study area. According to Mr. Lydon, of those 33 lots only two of those lots were conforming as to lot area and frontage. He concluded that the circulation with the driveways one on Pleasant Lane, one on Whitman continue existing circulation patterns. He also testified that the subdivision creates an additional 10 trips for purposes of traffic or a total of 20 where 10 would be a permitted as a matter of right if someone built one residence on the property rather than the two (2) proposed.

5. At the May 2nd hearing, Mr. Lydon's testimony was interrupted by the Applicant calling Albert Dattoli, an architect who is licensed in New York and New Jersey. He was accepted by the Board in the field of architecture. He prepared two drawings marked A-6 and A-7 in evidence, each showed a single-family residence. Each residence being more or less approximately 3500 ft.² without the garages. They are different in style. The one on proposed lot 21.01 is more of Colonial design. The one on proposed lot 21.02 is more Dutch Colonial. It was his testimony that these designs would fit the variety of designs that are already in the neighborhood. He described the layouts of both of the houses and indicated that the houses as proposed would comply with all bulk requirements in this zone. It was his testimony that based upon existing zoning ordinances that the Applicant could if there was no subdivision, build an approximately 12,000 square feet house which would not fit in the neighborhood.

6. The Applicant then recalled Steve Lydon, the planner to set forth the factual basis for the granting of the variances. It was the planner's opinion that because of the uniqueness of this lot, namely a corner through lot, with a disturbed area and the only lot of this size that was vacant in the neighborhood, supports approval of this application. The study area lots are similar size of the proposed lots here which would support the request for a variance. It was his opinion that the variances would satisfy the purposes of the municipal land-use act NJSA 40:55D-2(e). It would promote appropriate population densities, contribute to the well-being of the neighborhoods and communities. He viewed the

traffic impact as being minimal in the sense of the number of trips that would occur and the driveway on locations would take traffic off of the major roadway Prospect Avenue. According to him, the sizes of the houses as proposed are consistent with the sizes he identified in the study area. For these reasons he believed that it was good planning to grant these variances. He found that this proposed application was not detrimental to the neighborhood or the master plan because of what he deemed to be minimal impact based upon the residential uses, and the similarity of the proposed lot sizes and improvements as to the as the lots in the proposed study area.

7. The Applicant agreed to comply with the conditions set forth in B-1, the Borough Engineer's letter in terms of the details for the filing of the subdivision and that this resolution would in fact be recorded if approved as part of the subdivision perfection by deed. Further, the Applicant agreed to construct all the improvements in accordance with the dimensions on the zone chart which is attached hereto and made a part hereof as Schedule 3, so that all improvements made on the property will not exceed those shown on the A-1, and the dimensions set forth on the zoning chart for proposed lot 21.01 and 21.02, including all of the notes therein. The improvements shall not create any new variances for either lot.

8. A resident spoke at the May hearing in favor of the application.

9. Based upon the foregoing evidence and testimony, the Board now concludes that the Applicant has satisfied the criteria for the approval of this minor subdivision with variances granted for lot width area for each of the proposed lots of 21.01, lot 21.02.

Mr. Posen moved approval of this application and seconded by Councilman Rosenberg. The Board voted unanimously to approve the application. This approval is based upon the unique size and shape of lot 21, the surrounding development pattern and the minimal impact on the lots in the study area is subject to the following conditions:

1. The Applicant will pay all required fees, costs and escrows.

2. The Applicant shall receive if required the approval of the Bergen County Planning Board and/or the Bergen County Soil Conservation District and all other applicable governmental approvals. In the event any of those approvals require material changes to this minor subdivision application the Applicant is directed to return to the Board for approval of those material changes.

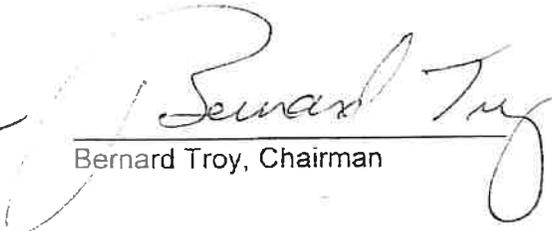
3. The Applicant shall perfect the subdivision within 180 days from the adoption of this resolution by deed in accordance with the statute. The deed shall have this resolution including all of its exhibits attached and shall be approved by the Planning Board Attorney and the Planning Board Engineer before filing.

4. The Applicant's map A-1 shall be upgraded before the subdivision deeds are filed to contain the detail that is required by the engineer in B-1 in specifically, the flood lines and the designation of the trees which will remain.

5. The Applicant will bear the cost of a stop sign installed on either lot if required by the Borough of Haworth or its police department.

BOROUGH OF HAWORTH


Leona Kosmac,
Secretary/Treasurer


Bernard Troy, Chairman

Dated: MAY 15, 2019

BOROUGH OF HAWORTH
PLANNING BOARD
NOTICE OF HEARING

Re: Application of 342 Whitman LLC (the "Applicant")
Block 1500, Lots 21.01 and 21.02 (the "Property")

PLEASE TAKE NOTICE that on September 16, 2020 at 8:00p.m., or as soon thereafter as the matter can be heard, the above-named Applicant will apply to the Haworth Planning Board (the "Board") by virtual/public audio meeting, which can be accessed using the instructions provided below, for the purpose of reviewing and taking action on the application for development filed by 342 Whitman LLC for property known as Block 1500, Lots 21.01 and 21.02 on the current tax assessment map of the Borough of Haworth (the "Property").

By resolution dated May 15, 2019, the Applicant received approvals from the Board to subdivide former Lot 21 in Block 1500 into two building lots (the "Prior Application", the "Prior Approval", an/or the "Approval Resolution"). During the hearings on the Prior Application, the Applicant testified that only one tree would be removed, with all other trees remaining. During construction, two additional trees were removed from Lot 21.02. The Borough of Haworth and/or the Board has taken the position the removal of these two additional trees is a violation of the Prior Approvals.

The Applicant, with a reservation of rights, is before the Board to discuss the removal of these two trees, the Applicant's proposed "Tree Mitigation Plan" prepared by Azzolina and Feury Engineering dated August 14, 2020, and the relief the Board determines to be necessary, including a modification of the Approval Resolution to account for the removal of these two trees predicated upon the Applicant installing the landscaping depicted on the Tree Mitigation Plan filed with the instant application or as otherwise agreed to by and between the Board and the Applicant.

In addition to the foregoing described approvals, the Applicant will also seek the Board's approval for any and all exceptions, waivers, variances and other incidental relief, including checklist waivers, that may be required or deemed necessary by the Board and/or its professionals after or during its review of this application, together with any further relief that may be deemed necessary by the Applicant during the hearing process, including that which may be generated by way of revised plans and submission of same.

The Board is utilizing the Zoom meetings program, a cloud platform for video and audio conferencing across mobile devices, desktops, laptops and telephones, to conduct regular meetings in compliance with the New Jersey Open Public Meetings Act.

During the virtual/telephonic public hearing, any interested party will have an opportunity to listen to the hearing, be heard (ask questions, provide comments or offer evidence) by joining online or over the phone at **8:00 p.m.** here:

Participating Via Zoom online by visiting:

<https://us02web.zoom.us/j/81189055374>

Meeting ID: 811 8905 5374

BOROUGH OF HAWORTH
PLANNING BOARD
NOTICE OF HEARING

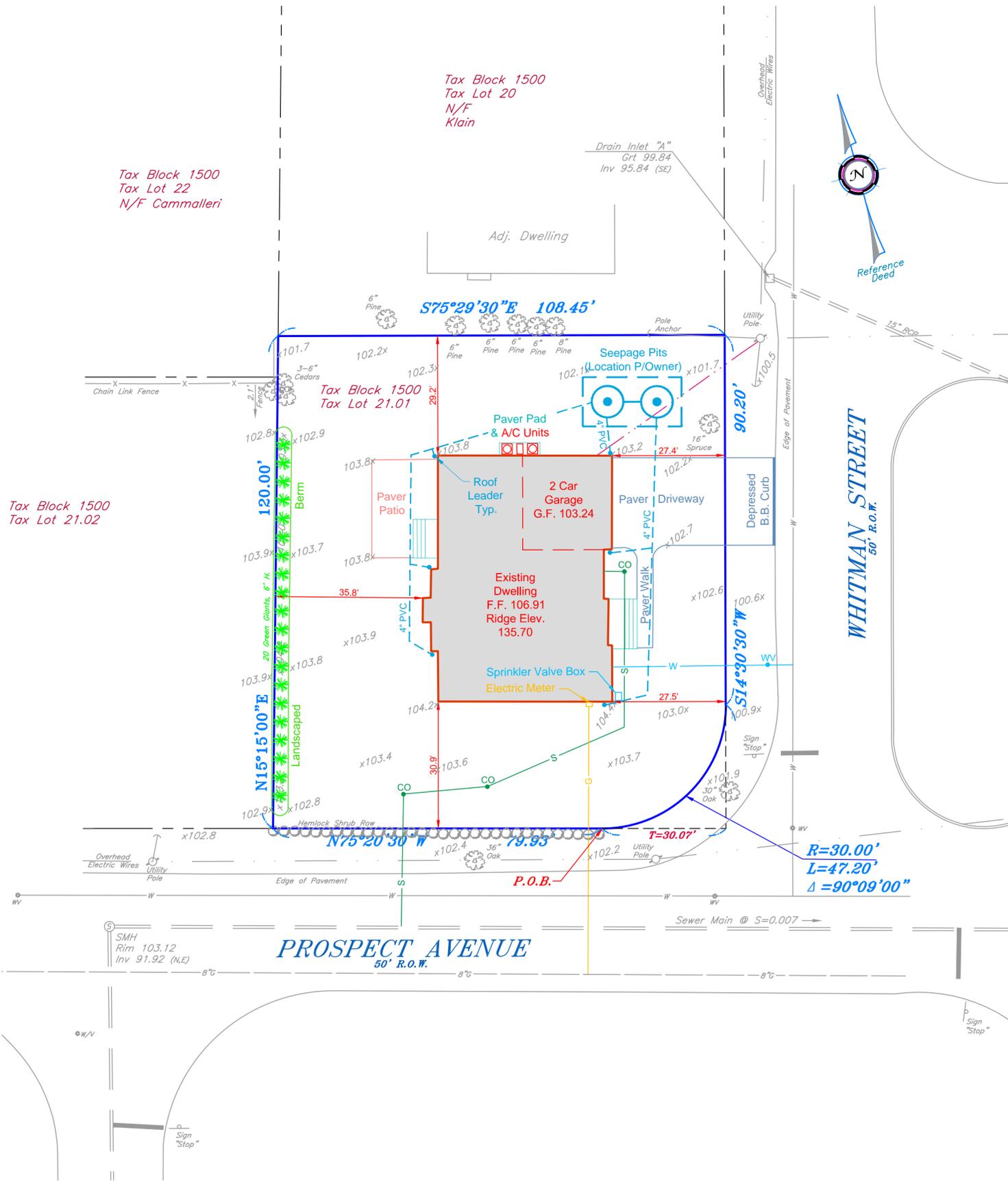
Or Via Zoom telephonically by dialing: 929 205 6099
Then enter the meeting ID: 811 8905 5374
Then press #

The application, plans and other documents for which approval is being sought, along with the remote meeting access instructions, will be posted on the Website of the Borough of Haworth and will be available for review at least ten (10) days prior to the aforementioned meeting at the following web address: www.haworthnj.org by clicking the "About Us" Tab on the left hand side of Borough's home page, then clicking on the "Calendar" tab, then clicking on the date of the hearing on "Planning Board". Any interested party encountering difficulty in accessing the remote meeting may contact, Board Secretary Ann Fay at 201-384-4785 extension 2 or at fay@haworthnj.org.

Individuals lacking the resources or know-how for technological access to the application, plans, and other documents or access to the virtual meeting should contact the Board Secretary, Ann Fay, by telephone at 201-384-4785 extension 2 or via email at fay@haworthnj.org for assistance in accessing the application, plans and other documents and the virtual meeting.

Attorney for Applicant:

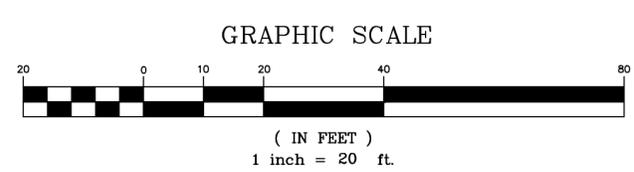
Matthew G. Capizzi, Esq.
Capizzi Law Offices
Attorney for Applicant
11 Hillside Ave., 2nd Floor
(201) 266 8300 (o)
(201) 266 8301 (f)
Capizzilaw.com

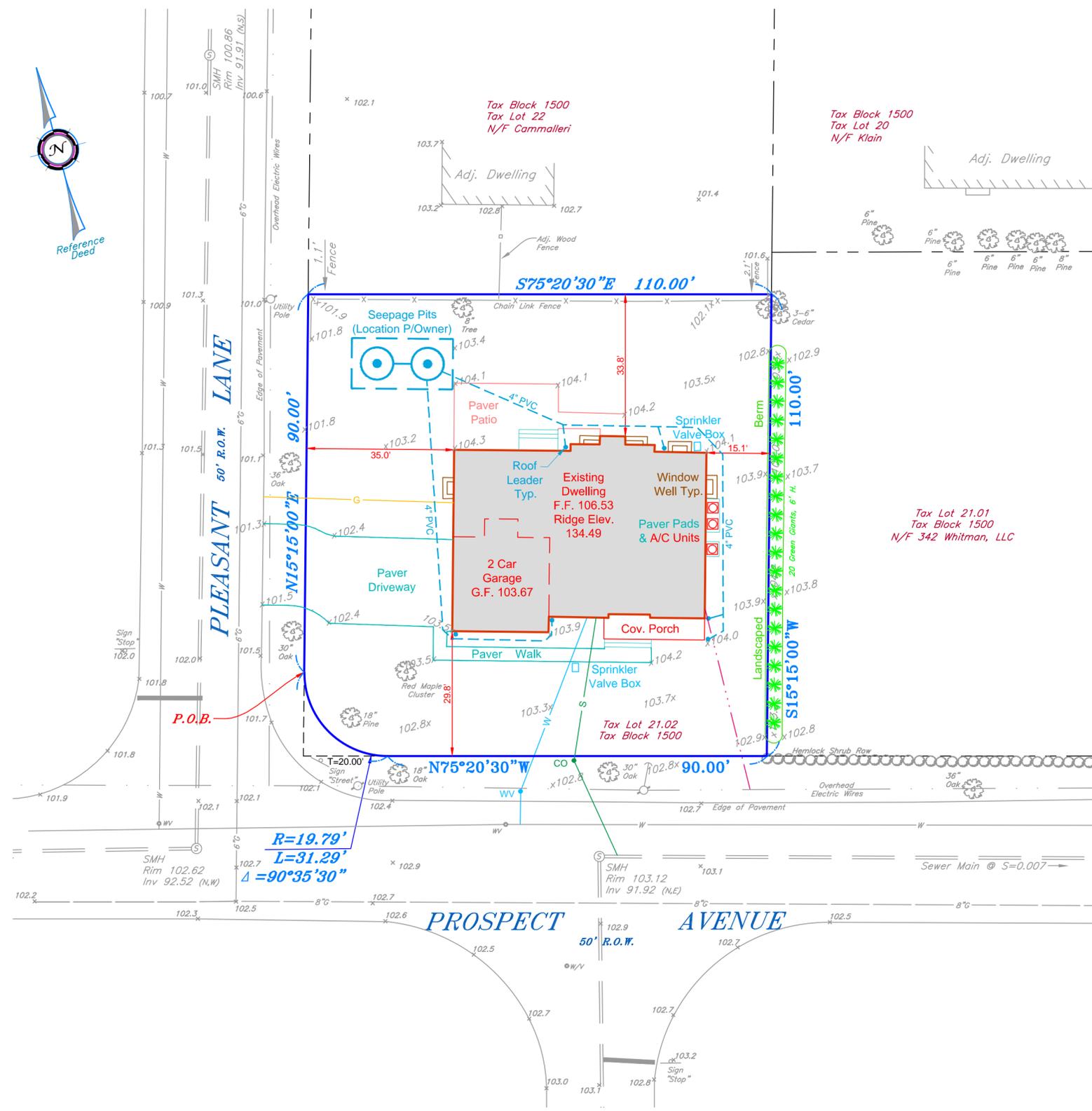


NOTES:

- PROPERTY KNOWN AS LOT 21.01 IN BLOCK 1500 AS PER APPROVED MINOR SUBDIVISION MAP PREPARED BY AZZOLINA & FEURY ENG. INC., DATED 10-27-17, REVISED TO 3-12-19 IN THE BOROUGH OF HAWORTH.
- AREA OF ENTIRE PROPERTY: 12,927 S.F. OR 0.2968 AC.
- PROPERTY LOCATED IN THE ZONE A RESIDENTIAL DISTRICT.
- THE VERTICAL ELEVATIONS SHOWN HEREON ARE BASED ON AN ASSUMED DATUM. ELEVATIONS INDICATED ARE 16.33 FEET HIGHER THAN NGVD 1929 DATUM.
- BUILDING COVERAGE CALCULATIONS; (25.0% MAX.)
DWELLING = 2,547 S.F. / 12,927 S.F. = 19.7%
- PAVEMENT COVERAGE CALCULATIONS; (15.0% MAX.)
DRIVEWAY = 589 S.F.
PATIO = 384 S.F. (INCLUDES STEPS)
WALK = 185 S.F. (INCLUDES STEPS)
A/C PAD = 31 S.F.
1,189 S.F. / 12,927 S.F. = 9.2%
- TOTAL IMPERVIOUS COVERAGE CALCULATIONS; (40.0% MAX.)
BUILDING COVERAGE = 2,547 S.F.
PAVEMENT COVERAGE = 1,189 S.F.
3,736 S.F. / 12,927 S.F. = 28.9%
- GREEN AREA CALCULATIONS; (60.0% MIN.)
BUILDING COVERAGE = 19.7%
PAVEMENT COVERAGE = 9.2%
28.9% - 100% = 71.1%
- BUILDING CALCULATIONS; (35.0' MAX.)
135.70 AS BUILT RIDGE ELEVATION
102.41 AVG. GRADE PER APPROVED PLOT
33.29' AS BUILT BUILDING HEIGHT

Date:	Description:	Check By:
	AS BUILT LOCATION SURVEY	
Prepared For		
342 WHITMAN, LLC		
Whitman Street Block 1500 - Lot 21.01		
Borough of Haworth Bergen County New Jersey		
 Azzolina & Feury Engineering Inc. PROFESSIONAL ENGINEERS AND LAND SURVEYORS <small>90 Madison Avenue, Paramus, NJ 07652 - (201) 845-8600 - Fax (201) 845-8825 110 Stage Road, Monroe, NY 10950 - (845) 782-8681 - Fax (845) 782-4212</small>		
N.J. CERTIFICATE OF AUTHORIZATION 24GA28003600		
Date: 8-10-20	Drawn By: JF	Checked By: PEF
Scale: 1" = 20'	Dwg. No. 1 of 1	Job No.: 10463

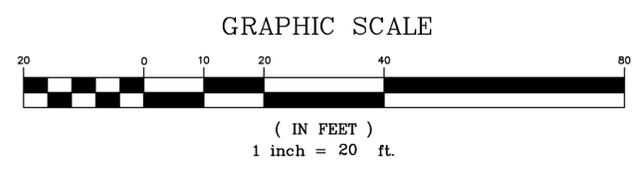


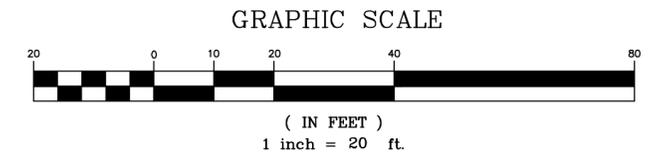
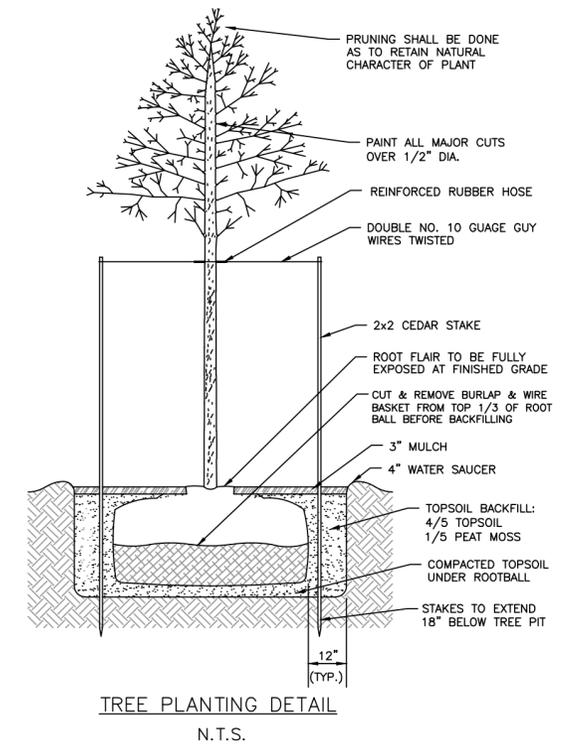
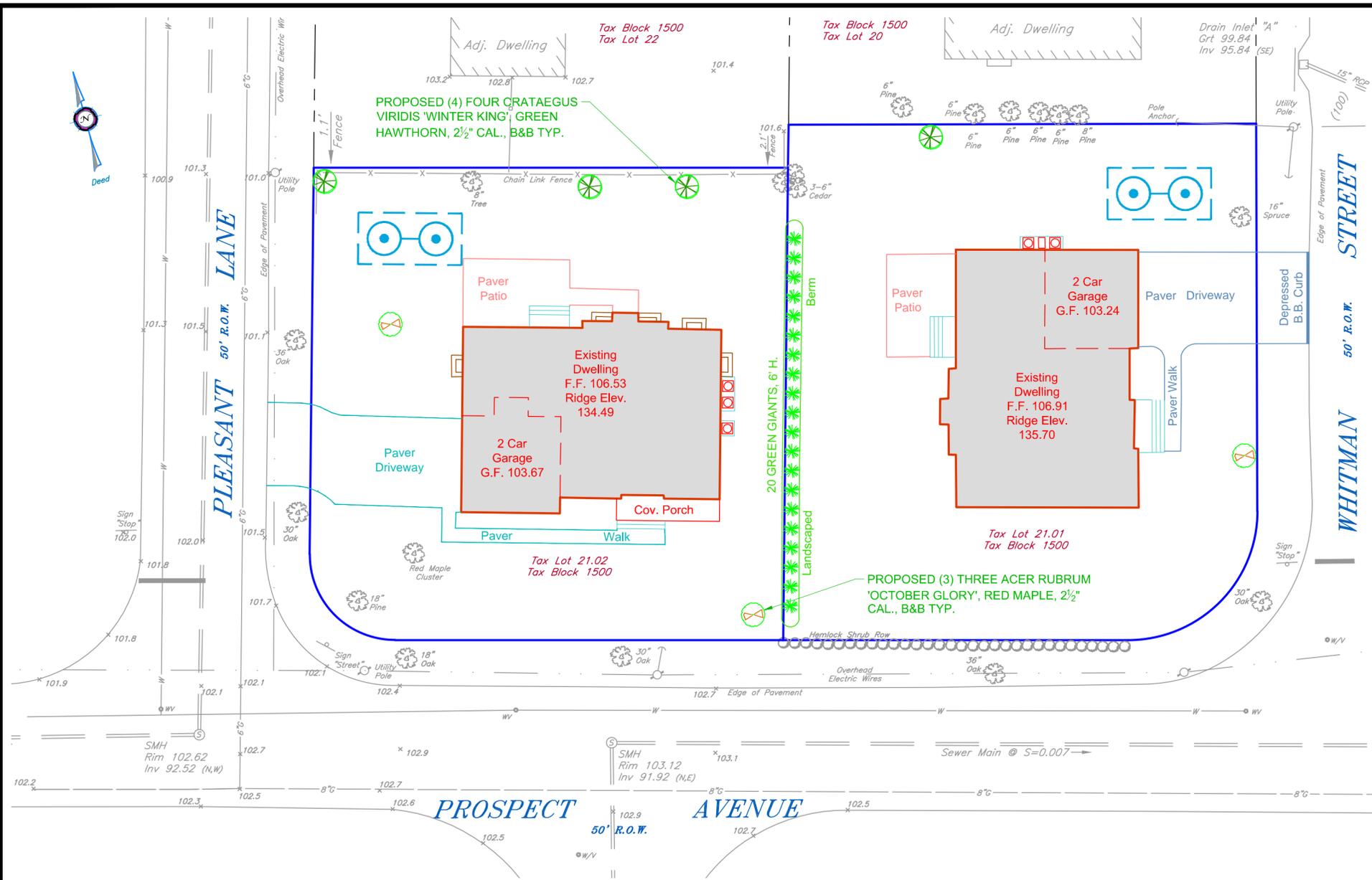


NOTES:

1. PROPERTY KNOWN AS LOT 21.02 IN BLOCK 1500 AS PER APPROVED MINOR SUBDIVISION MAP PREPARED BY AZZOLINA & FEURY ENG. INC., DATED 10-27-17, REVISED TO 3-12-19 IN THE BOROUGH OF HAWORTH.
2. AREA OF ENTIRE PROPERTY: 12,014 S.F. OR 0.2758 AC.
3. PROPERTY LOCATED IN THE ZONE A RESIDENTIAL DISTRICT.
4. THE VERTICAL ELEVATIONS SHOWN HEREON ARE BASED ON AN ASSUMED DATUM. ELEVATIONS INDICATED ARE 16.33 FEET HIGHER THAN NGVD 1929 DATUM.
5. BUILDING COVERAGE CALCULATIONS; (25.0% MAX.)
 DWELLING = 2,620 S.F. / 12,014 S.F. = 21.8% (INCLUDES FRONT COVERED PORCH)
6. PAVEMENT COVERAGE CALCULATIONS; (15.0% MAX.)
 DRIVEWAY = 727 S.F.
 PATIO = 459 S.F.
 WALK = 206 S.F.
 A/C PAD = 27 S.F.
 1,419 S.F. / 12,014 S.F. = 11.8%
7. TOTAL IMPERVIOUS COVERAGE CALCULATIONS; (40.0% MAX.)
 BUILDING COVERAGE = 2,620 S.F.
 PAVEMENT COVERAGE = 1,419 S.F.
 4,039 S.F. / 12,014 S.F. = 33.6%
8. GREEN AREA CALCULATIONS; (60.0% MIN.)
 BUILDING COVERAGE = 21.8%
 PAVEMENT COVERAGE = 11.8%
 33.6% - 100% = 66.4%
9. BUILDING CALCULATIONS; (35.0' MAX.)
 134.49 AS BUILT RIDGE ELEVATION
 102.50 AVG. GRADE PER APPROVED PLOT PLOT
 31.99' AS BUILT BUILDING HEIGHT

Date:	Description:	Check By:
	AS BUILT LOCATION SURVEY	
	Prepared For	
	342 WHITMAN, LLC	
	Prospect Avenue Block 1500 - Lot 21.02	
	Borough of Haworth Bergen County New Jersey	
Azzolina & Feury Engineering Inc. PROFESSIONAL ENGINEERS AND LAND SURVEYORS		
30 Madison Avenue, Paramus, NJ 07652 - (201) 845-8500 - Fax (201) 845-3825 110 Stage Road, Monroe, NY 10950 - (845) 782-8651 - Fax (845) 782-4212		
N.J. CERTIFICATE OF AUTHORIZATION 24GA28003600		
Date: 8-10-20	Drawn By: JF	Checked By: PEF
Scale: 1" = 20'	Dwg. No. 1 of 1	Job No.: 10463





TREE MITIGATION SCHEDULE			
TREE REMOVED	REPLACEMENT RATIO	NO. OF TREE'S REQUIRED	NO. OF TREE'S PROVIDED
42" SYC. 24" CEDAR	1 TREE P/6" CAL. 1 TREE P/6" CAL.	7 TREE'S 4 TREE'S	7 TREE'S 4 TREE'S

- NOTES:**
- REPLACEMENT EVERGREENS MUST BE A MIN. OF 6' HIGH AT TIME OF PLANTING.
 - REPLACEMENT DECIDUOUS TREES MUST BE A MIN. OF 2 1/2" CAL. AT TIME OF PLANTING.

Date:	Description:	Check By:
Revisions		
TREE MITIGATION PLAN Prepared For 342 WHITMAN, LLC Prospect Avenue Block 1500 - Lot 21.02 Borough of Haworth Bergen County New Jersey		
Azzolina & Feury Engineering Inc. PROFESSIONAL ENGINEERS AND LAND SURVEYORS <small>30 Madison Avenue, Paramus, NJ 07652 - (201) 845-8500 - Fax (201) 845-8825 110 Stage Road, Monroe, NY 10950 - (845) 782-8681 - Fax (845) 782-4212</small>		
N.J. CERTIFICATE OF AUTHORIZATION 24GA28003600		
Date: 8-14-20	Drawn By: JF	Checked By: PEF
Scale: 1" = 20'	Dwg. No. 1 of 1	Job No.: 10463