

Reorganization meeting of the Haworth
Planning Board on January 17, 2018, at
the Municipal Center.

PRESENT Dennis Posen, Chairman
John Smart, Mayor
Andrew Rosenberg, Council Liaison
Andrew Anderson, Vice Chairman
Antonio Cammalleri
Nancy Minikes
Amy Albalah, Alternate

John D'Anton, Board Attorney
Caroline Reiter, Planner
Joseph Vince, Board Engineer

ABSENT: Edmond Ezra, Public Official
Leona Kosmac, Secretary/Treasurer

The meeting was called to order and upon roll call, the above members were present. Ms. Kosmac gave notice that she would not be able to attend.

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

In essence, the following transpired.

2018 REORGANIZATION

Councilman Rosenberg took the Chair and entertained nominations for 2018 officers.

Chairman

Mr. Anderson moved to nominate Mr. Posen as Chairman.

Seconded by Mrs. Minikes and upon voice vote, was unanimously carried.

Mr. Posen took the Chair.

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Vice Chairman

Mrs. Minikes moved to nominate Mr. Anderson as Vice Chairman.

Seconded by Mr. Cammalleri and upon voice vote, was unanimously carried.

Secretary/Treasurer

Mrs. Minikes moved to nominate Ms. Kosmac as Secretary/Treasurer.

Seconded by Mr. Anderson and upon voice vote, was unanimously carried.

Board Attorney

Mr. Anderson moved to reappoint Mr. D'Anton as Board Attorney.

Seconded by Mrs. Minikes and upon voice vote, was unanimously carried.

Recording Secretary

Mr. Rosenberg moved to recommend Mrs. O'Dowd as Recording Secretary.

Seconded by Mr. Anderson and upon voice vote, was unanimously carried.

Mrs. O'Dowd thanked the Board.

Board Engineer

Mrs. Minikes made a motion to retain Schwanewede/Hals as Board Engineer.

Seconded by Mr. Rosenberg and upon voice vote, was unanimously carried.

Meeting Dates

Mr. Rosenberg moved to continue having the Planning Board meetings on the third Wednesday of each month at 8 p.m.

Seconded by Mr. Anderson and upon voice vote, was unanimously carried.

It was noted that September 19th is a Jewish holiday and November 21st is the start of the Thanksgiving holiday so alternate dates will be chosen at a later time.

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Public Notice

Mr. Anderson made a motion to continue to use the same media for
announcements and public notices as have been used in the past.

Seconded by Mrs. Minikes and upon voice vote, was unanimously carried.

There being no further business, Mrs. Minikes moved to adjourn.

Seconded by Mr. Anderson and unanimously carried.

Respectfully submitted,

Dolores Fazio O'Dowd

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NEW BUSINESS

Mayor Smart thanked the members for their time and service and for agreeing to continue to serve on this Board.

Mayor Smart said it was going to be an exciting year. He went over some of the matters the Board would be working on which included advancing the Borough's case with affordable housing, reaching a settlement and getting immunity for the next 7 years. Further, he noted that time was coming close to re-examining the Master Plan in order to make sure that Haworth is what they want it to be, and what they would like it to become.

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Mayor Smart announced that at the Mayor and Council Reorganization Meeting, the Governing Body unanimously reappointed Councilman Rosenberg as the Planning Board representative and continue in that position for another year. Also, Mrs. Reiter, of Statile Associates, was reappointed as the Borough's Planner.

Mayor Smart noted that he spoke with Mrs. Landesman and explained to her that it was beyond his ability to ask her to put in another 5-year term - and she understood. He said that, as they have done for other Planning Board members who have put in many years of service, during the first quarter of the year, the Mayor and Council would issue a proclamation and recognize her service and accomplishments at their meeting and it would be great if all members of the Board could attend.

Mayor Smart announced that Mrs. Albalah agreed to accept a 5-year appointment to succeed Mrs. Landesman as a regular member of the Board. Mrs. Albalah was then sworn in by Mayor Smart.

ACCEPTANCE OF THE MINUTES

The content of the minutes of the September 2017 meeting was reviewed by Mr. Posen. It was noted that copies had been sent out in October 2017 and the members didn't have them available. Mr. Posen asked that they be resent and reviewed at the next meeting.

CORRESPONDENCE

- *New Jersey Planner*

Mr. Posen distributed this publication to the Board.

OLD BUSINESS

Mr. Posen asked if there was any old business that needed to be discussed.

Mr. D'Anton noted that there were two building applications, which were incomplete.

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One was at 56 Schraalenburgh Road, which Mr. Vince had ruled incomplete because there was a question of whether or not the applicant got the permission of the Borough to use a 5-ft. strip to gain access. He said that he and the applicant's attorney discussed it and since it was a legal issue, his attorney said he wanted a hearing. Mr. D'Anton pointed out that it was not his practice to discuss applications when the applicant was not present, however, the applicant was not available that evening.

Mr. D'Anton said that the second one pending - and he didn't know if it had been addressed - was at 342 Whitman Street and it was for a sub-division. It was deemed incomplete by Schwanewede Engineering and it had to be addressed by the applicant. Mr. D'Anton said that sometimes procedures are a little vague so he decided on his own to make an executive decision and he told Mr. Vince that when he sends out a letter, that he not only send it to the applicant or the applicant's attorney, he should also send it to him and the Chairman of the Planning Board.. Mr. D'Anton stated that this was a slight change in the procedure.

Then, at the suggestion of Mayor Smart, he contacted Ms. Reiter about the Master Plan re-examination. Mr. D'Anton suggested that this be addressed some time in the future.

CAROLINE REITER'S UPDATE

Mr. Posen stated that an important portion of this meeting was the discussion of the Master Plan re-examination process. He turned the discussion over to Mrs. Reiter.

Caroline Reiter, a Planner with Statile Associates for over 19 years, introduced herself and went over her background and experience for those who did not know her. She talked about the Master Plan, went over its elements. Mrs. Reiter explained that it was a planning survey guide and that zoning should be based on the Master Plan. She elaborated.

Ms. Reiter stated that a re-examination report was required every 10 years; however, it could be done in less time for a specific purpose. She went over the requirements. Mrs. Reiter noted that the Borough's Master Plan had been prepared and adopted in October 2009 so they would be looking at 2019 to do a re-examination report; however, the Mayor and Chairman decided to start the process earlier. She went over what would be required.

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Ms. Reiter pointed out that Haworth also had to address the affordable housing situation. She said they had adopted a Fair Share Element in 2015, which is a component of the Master Plan. Mrs. Reiter stated that it would not be responsible for this Board to wait to have the affordable housing situation be completed before doing the re-examination. The process might take longer than anticipated, therefore, Mayor Smart has suggested that it be started now so they would be able to take time with it and also work on the affordable housing issues as they come to fruition.

Mr. D'Anton agreed that you could not do one and not the other. He said that his first suggestion was that there be a proposal from Mrs. Reiter's firm with the cost. He said he did not know the history in Haworth, but some towns have subcommittees and some have the whole Board at the re-evaluation meetings. Mr. D'Anton stated that once the proposal was approved, they could then decide how to do it.

Mrs. Reiter stated that the Re-examination Report would be adopted by the Board at a public hearing. She said that should the Borough wish to do so, a subcommittee could be formed and meet with her to work on the preparation and then report back to the Board. Mrs. Reiter said they could also bring in Council and Zoning Board members. She elaborated.

Mr. Anderson pointed out that with past exams, they had done it as a full Board.

Mr. D'Anton advised them that if they did it as a full Board, it would be a regular meeting. He said that with a subcommittee, it would be less than a majority of the Board and they would not have to give notice. Mr. D'Anton said they could actually have a full Board and then have a subcommittee to work on different parts.

Mrs. Reiter said she thought a subcommittee was a good way to do it since it would be a smaller group, it would be more informal, and it did not require notice. There would then be discussion with the full Board. Mrs. Reiter explained that she could meet with the Planning Board twice. She said that if there was an affordable housing movement, the Board might be more active than they had been in 2017.

Mr. Posen said he could see the merits with the process. He said that as an operating member of both the Planning Board and Zoning Board, he thought it would be interesting to see if one or two members of the Zoning Board would be interested or if there was a subcommittee that was more inclusive. He pointed out that some of them were members of the Downtown Beautification Committee and that was a Master Plan issue.

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Mr. D'Anton stated that the Master Plan was the creature and the creation of the Planning Board. He said that, to the extent that if any other person was brought in, at the end of the day it really did not matter what the Zoning Board thought since it was a Planning Board document.

Mrs. Reiter said that in reference to what the Chairman suggested, she explained how the Master Plan comes into play so importantly with matters such as use variances and negative criteria. She elaborated. Mrs. Reiter said that goals and objectives are important in any type of application but in particular, they are very important with those matters. She said that the Court will want to know what the plan says as well as the vision for this area. Mrs. Reiter noted that the Master Plan has become more important from a legal point of view.

Mr. Anderson stated that he had full faith that Mr. Posen could represent the interests of the Zoning Board.

Mr. D'Anton stated that this Board did not have restrictions about whom to ask for input. He said the Board had to be comfortable with whatever way they wanted to do it. Mr. D'Anton said they should decide on whether they want a full board involved, subcommittees, or any variation of it by the next meeting.

Mrs. Reiter said she was happy that the Zoning Board was brought up. She reiterated that the Master Plan was very important and it should provide a blue print, goals, objective, and everything else including zoning and use variances. It would also be for the use of the officer who prepares grant applications for sidewalks, parks, open space, etc. Those applications often ask if the plan conforms to the Master Plan and they will ask the town to provide a copy. Mrs. Reiter said that conservation was clearly something which was important to this town. She said that they did not know what would be happening 3 or 4 years down the road, but because the re-examination was a 10-year process, they want Master Plan documents to be able to articulate information for the grant applications as well as many other things.

Mr. Anderson said he thought it was important that a full board be involved but it wouldn't preclude the suggestion of having a subcommittee - particularly for certain portions, which could be brought back to the Board. He said it would need to be something that everyone bought into. He said his suggestion was to move forward as a full Board with provisions to set up subcommittees as appropriate.

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Mayor Smart said that sounded great but he wished to defer to what the majority of the Board wanted to do with this. He said he was leaning a little more towards the committee but he wanted to hear this conversation. Mayor Smart said it certainly involved zoning needs. However, it could also involve certain constituents and perhaps they should even have a member of the school and influence some of the values of the town.

Mayor Smart said that they might even have members from the Environmental, Shade Tree Commission, etc., to contribute to the Master Plan. Mayor Smart said that a subcommittee could avail and inform the insights from those constituencies as the process was being developed. He said that a subcommittee could come back to the Board with a Master Plan, which covered all of those phases or if they chose, they could segment the individual components. Mayor Smart said that the Planning Board had the historical perspective as did the Environmental Commission.

Mr. Posen stated that the Mayor's comments spoke to Mr. Anderson's suggestion; however, he wanted it to be more inclusive. He elaborated.

There was discussion about how to proceed.

Mr. Posen suggested that they keep themselves as a group to start and they should start the process as a group.

Mr. D'Anton suggested that the first thing they should do was to get their Planner hired and get her shopping list with everything that needs to be addressed. He said that everyone should get a copy of the last report and then deal with sub-committees.

Mrs. Reiter reminded everyone that this would be a re-examination of the Master Plan and not a whole new one. She said she would send a link to view the 2009 re-examination. Mrs. Reiter pointed out that the methods were done differently at that time.

A question was raised and Mr. Posen told everyone that the Master Plan was not on the Haworth website.

Mrs. Reiter said that Mrs. Fay had boxes of copies of the 2009 report so they could also get a copy from her.

There was some discussion on subcommittees and Mr. Posen said he felt that they should have groups.

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Mrs. Reiter said that she would review Mr. Hakim's report, figure it out what they would need, and then advise the Board. She asked if the Board wanted her to return in February rather than March or April.

Mr. Posen asked Mrs. Reiter if she would outline what a monthly or bi-monthly progress scenario would look like. He said that presumably, the proposal would include a section on a schedule; and, he thought the outline would be how long after complimenting the Mayor and Council for starting early, how long would she like the process to take, what the milestones would be that they should all understand by the next time, and whether her proposal would be approved by the Counsel - since he didn't think the Board would be the one to approve it. He elaborated. Mr. Posen said that would be the reason to come back in February - he did not want to wait until March to find out. Mr. Posen explained that if they were going to have a hearing on the 2 applications, he had to know. He said he would like Mrs. Reiter to come back in February with a plan but he didn't expect her to have that answer that evening.

Mr. D'Anton said he felt Mr. Posen was correct and they could all have a better idea if she came back in February.

Mrs. Reiter pointed out that so much of this depended upon what they were going to do with the re-examination and it depended upon what everyone was looking for - and, they would figure it out.

Mr. Posen said he would rather meet in February. The Board should know the type of report, which they would be updating. He said that it would be great if Mrs. Reiter could provide the link within 72 hours so that everyone could have plenty of time to read it. He elaborated.

Mayor Smart agreed.

Mrs. Minikes asked about the status of affordable housing in the Borough.

Mrs. Reiter responded that there was a long answer and a short answer. The long answer would require that they go into Closed Session because affordable housing was handled via action of a Declaratory Judgment in litigation so they could not discuss this publicly. She said the short answer was that they have prepared a plan. They attended a session on mediation with Mayor Smart, the Borough Attorney and some other people. Mrs. Reiter explained that like every other town, they were working with their Master and were trying to move toward everyone for a way of handling this process.

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Mrs. Reiter said that Haworth was doing everything they should be doing right now. She felt that starting this process was important so that they could show they were continuing the planning process, that they were not letting the Master Plan or the Master Plan documents fall to a point where they should not be or where they were being ignored because that was something they always had to keep up. In particular, people looking at the documents would be able to see that Haworth was doing everything they could.

Mrs. Reiter asked Mrs. Minikes if that answered her question.

There was additional discussion.

Mayor Smart explained what was happening. He said they were in a better place and have moved forward. Mayor Smart said that the Judge asked what the potential was for Schaeffer's Gardens. He said he told the Judge about the disputed contract and that there was a problem because they didn't know whom to talk to - the current owners or, when their dispute was over, the new owners. Mayor Smart explained that this has been dragging on and on. He said the Judge had expressed frustration but it was recognized that their question was valid until recently when the Judge came back to give them direction to deal with the situation that exists in December 2017 and January 2018 and not wait until something happens, which may or may not happen sooner or later. Mayor Smart said that now they have re-engaged in discussion with the parties, who stated that they were moving forward.

Mrs. Minikes asked if this matter would be resolved prior to re-examination of the Master Plan.

Mayor Smart said he felt it would be resolved and Mrs. Reiter commented that in a perfect world, it would.

Mayor Smart stated that there was a path which would bring it to resolution before the other had to be resolved and there was a plan to execute that path. However, there was also a chance for hiccups or problems. Mayor Smart stated that with the path and the plan, this matter should be brought to resolution by December 2019.

There was discussion about when the Master Plan Re-examination Report would be completed.

Mrs. Reiter pointed out that every town was trying to move forward and do the best for itself but there was a lot of ambiguity. She said she thought it would be well for this to move forward.

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ADDITIONAL MEMBERS FOR THE BOARD

Mrs. Minikes noted that since Mrs. Albalah was now a full member of this Board, they no longer had alternate members.

Mayor Smart stated that they had two alternate openings.

Mr. Posen recommended that they find out if any member of the Zoning Board was interested, they should be approached. He said he thought it would be helpful since there are issues that bounce back and forth to both Boards.

Mr. Anderson asked about the Zoning Board's Annual Report for the Planning Board.

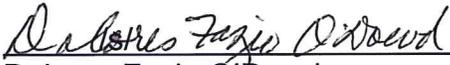
Mr. Posen will ask Mr. West about the status.

There was discussion.

There being no further business, Mrs. Minikes moved to adjourn.

Seconded by Councilman Rosenberg and unanimously carried.

Respectfully submitted,



Dolores Fazio O'Dowd