

**BOROUGH OF HAWORTH
MAYOR AND COUNCIL
Executive Meeting – Tuesday, October 24, 2023 @ 7:30 PM**

CALL TO ORDER/ PUBLIC ANNOUNCEMENT/SALUTE TO THE FLAG

The Mayor and Council convened for this Executive Meeting of the Borough of Haworth on Tuesday, October 24, 2023 at 7:30 P.M.

In accordance with the provisions of the Open Public Meetings Law, notice of this meeting has met the requirements of the law as part of the Borough of Haworth's annual meeting notice published in The Record on January 23, 2023, posted on the bulletin board in borough hall, and on the Borough website at www.haworthnj.org.

ROLL CALL

Hon. Heather Wasser, Mayor - Present	Glenn Poosikian - Present
Andrew Rosenberg - Present	Dina Siciliano - Absent
Lisa Dhamija - Absent	Howard Lau - Present
Alanna Davis - Present	

Staff Present: Borough Attorney Robert T. Regan, Municipal Clerk Jo Anna Myung

COMMITTEE REPORTS:

Councilman Lau:

Recreation:

- Haworth Day is finally scheduled with the weather holding up for this Saturday, October 28, 2023 from 12noon – 4:00PM, and will be an action-packed day: starting with the Rag-A-Muffin parade at 9:30AM, to the Arts Committee Ghost Stories at the pond from 6:30PM – 7:30PM, finishing off with Fireworks at Memorial Field at 8:00PM. It was recommended that The Arts Committee reach out to DPW to shuttle PA equipment and other supplies to the pond for Ghost Stories.
- Halloween Safe Zone from south of Haworth Avenue to the East of Haworth Drive on Tuesday, October 31, 2023 from 3:00PM – 6:00PM has been cleared with Chief Gracey. The Police would like to reiterate and spread word of caution, that even though the Halloween Safe Zone has been designated, it will not be the only area where children will be trick or treating.
- Town will hold off on all field permit requests for 2024 until the proposed new rates are finalized.

Environmental Commission

- There is interest to clear a walkway for children to walk to Haworth Public School from Schraalenburg Road to Valley. The Environmental Commission is requesting improvements be done to that path to clear it and residents to be notified as no one knows that there is even a pathway there. An additional Crossing Guard would be needed. Mayor Wasser commented that the Building Dept should make an assessment to confirm whether there is an easement first and work with DPW from there.
- The ordinance work between the Environmental Commission and the Shade Tree Commission is being planned to have all members from both committees meet to discuss. They would like to revisit the Tree Farm matter at the joint meeting too.
- Regarding solar panels, Councilman Poosikian provided a brief account on where they left off. He explained that they researched to secure proposals but numbers that came back were not palatable for the town and put aside. There was also an issue about location of where to place the solar panels.

Councilman Rosenberg:

The Zoning Board:

- The Zoning Board did not meet in October. They will be meeting in November.
- The Planning Board met for the first time in several months to consider Ordinance 23-22. This was regarding the creation of the new Zone G on Massachusetts Avenue and to consider whether or not it conforms to the Master Plan. It was voted unanimously that the ordinance as drafted conforms to Haworth's Master Plan. The planning board will likely not meet in November, but prepare for a busy winter and spring season at the start of 2024.

Police Department:

- September and October were busy months with Andiamo's Motorcycle Run, Haworth 5K and with Veolia's annual water emergency drill.
- The department continues to comply with training requirements: use of force and de-escalation training, CPR re-certifications, and crimes against the elderly program.
- Councilman Rosenberg gave a shoutout to the Haworth Auxiliary Police, who lightens the load for the Police Dept during busier months.
- Incident Report in September for a dispute between an Uber driver and a passenger at Houston Place. Both parties were given an opportunity to sign complaints against each other, which they declined. Sergeant Morgan gave the passenger a courtesy transport back to their residence.
- Mayor Wasser added and thanked Chief Gracey who repaired a pedestrian light at Tank Hill which was not functioning properly, although the traffic lights were.

These meeting minutes have been approved by the Haworth Mayor and Council on November 28, 2023.

Councilman Poosikian:

DPW:

- Tonight, Veolia is conducting their annual emergency drill where all our emergency services from the County OEM, Hazmat Teams, Fire and EMS Corps work together and after the drill, they gather to do a critique.
- In September, the DPW conducted regularly scheduled chimney and lawn maintenance.
- Two DPW employees were called out because a large town tree had fallen across a roadway on Park Street, and to clean up a large tree blocking a driveway near Delaware.
- On September 15th, they had an end-of-season barbeque at the DPW yard with some of the DPW from Oradell.
- Also in September, the DPW began to repair [footwork in the keys which has begun.
- The DPW foreman was out for one week in September on vacation. Xavier Hernandez, the shop steward, ran the department in his absence.

The Fire Department:

- The fire department received a total of 24 calls in September. 12 of those were fire alarm calls, one carbon monoxide call, three backyard fire calls, one extrication, two powerlines down, one overhead overheating motor, two gas leaks, one good intent call, and one water leak.
- They also conducted two work night drills, the topic of which was emergency elevator operations and rescues. The volunteer ambulance corps. allowed them to use their elevator for training.

Councilwoman Davis:

- Bonnie Borghi is working on a luncheon date for November. Once that is finalized, details will be communicated to the Seniors; and the following gathering will most likely coincide with a holiday.
- The DPW can replace the old [] and relocate it because it did not thrive in the original location with the clay foundation. The new location is accessible to electricity for light.

Parks and Playgrounds:

- Councilman Poosikian commented for Parks and Playgrounds that the DPW are going to replace and relocate wire for electricity and lighting. Mayor Wass complimented that the DPW have done an incredible job with lighting the tree.

Borough Administrator's Report:

- The 2024 Mayor and Council, Boards and Commission meeting dates have been distributed for review. The first meeting of the Mayor and Council will be Sunday, January 14, 2024 at 12noon due to conflicts in schedules.
- Mayor and Council meeting cancellation for Tuesday, November 14, 2023 due to the League conference has been posted on the bulletin board in borough hall, sent to The Record for informational purposes, and submitted for website calendar update.
- Borough Hall needs maintenance and updates (gutters, roof, carpeting/flooring, paint, heating and AC units).
- Master Plan amendment from Demarest received and copies for review made available for public.
- The Bergen County Municipal Joint Insurance Fund security rollout for testing and training has been in the works and three workers comp has been filed.
- Open enrollment for health benefits for Borough employees ends on October 31st; email reminders sent.
- Borough Ordinances are available on eCode and added in the budget for 2024. Additional fees apart from the subscription to have ordinances updated on eCode should be budgeted. eCode have not been updated since April of 2022 so some of the cost may be split in the 2024 budget. Councilman Rosenberg recommended that Ordinances be posted on the Borough's website as well.
- The Best Practices Inventory is due November 3rd and needs to be updated on an annual basis; the anti-nepotism clause was tabled from last meeting. Nevertheless, the Borough has 35 points and confirmed to receive 100% of state funding.
- Land Use Administrator position for Zoning Board of Adjustment and Planning Board was tabled.

Borough Attorney's Report:

- Nothing to report.

Mayor's Report:

- Mayor Wasser announced that the Rag-A-Muffin parade is back and thanked two residents who got it started again from 2019. They will meet at the Terrace Street parking lot at 9:30AM and after the parade, she will be judging along with Chief Gracey and DPW Foreman for best costume in the multipurpose room.
- Haworth Women's Club Beefsteak "All-You-Can-Eat" event is Saturday, November 4th at 6:15pm at Sacred Heart Church. This Women's Club spreads money generously to Haworth graduating seniors. They offer substitutes for beef. Tickets are sold at Haworth Apothecary.
- They need to provide dates for the Christmas tree lighting and Menorah lighting. If the tree is planted by November 30, they can have it lit then, and have the Menorah have its own lighting date.

UNFINISHED BUSINESS:

Street Vacating Request – 134 Brook Street:

Work in progress: Letters to property owners adjacent to the streets have been sent. Borough Engineer to check borough sewer lines on this street to be vacated.

Personnel Policies:

Tabled.

Ordinance 23-22: Amendment to Chapter 26 Land Use Regulations and Create Zone G – Massachusetts Ave: Borough

Attorney Regan explained that Ordinance 23-22 is intended to create a new Zone G or District G on Massachusetts Avenue of approximately 2.387 acres of land. This is a required development of housing element for the Fair Share plan that Haworth adopted in 2019, which was approved by the Superior Court in 2020, that requires this land area be designated for 35 units (14 affordable and 21 market rate). Haworth received a letter from Dumont's attorney regarding notification of this Ordinance. Attorney Regan respectfully disagrees with their letter and explained that there is an exception in Municipal Land Use Law section 62.1 regarding reclassification of municipalities about the reexamination plan. Attorney Regan feels that the housing element is a required part and inclusionary development stated on page 7 of the Master Plan, and far supersedes the reexamination plan since it is the Main Plan. Rather than having the notice issue hanging out there for potential litigation down the road, Attorney Regan recommends that the Borough provide notices and continue the hearing on November 28, 2023. This would be the most efficient, expeditious and economical way to respond to the objection from Dumont and continue without any vote being taken tonight. Haworth just received Dumont's 200-foot list today and notices will be sent via certified letters to both Dumont and Haworth municipalities.

Before opening the floor to for public comments, **Mayor Wasser** communicated that the development of the plan is not up for discussion tonight. The only portion of the ordinance that is introduced will be heard. The duty of this Body is to Haworth residents, and Haworth must comply by the binding agreements with the Superior Court.

OPEN PUBLIC COMMENTS:

Dumont Resident #1 from Garfield Street asked if this ordinance was being tabled? Mayor Wasser responded that there is a League conference November 14 – 16 so the next Mayor and Council meeting scheduled on Tuesday, November 14 has been cancelled. Attorney Regan responded that this public hearing for Ordinance 23-22 will continue to the next meeting scheduled on Tuesday, November 28, 2023. The objective is to provide the 200-foot property owners notice, in Dumont and Haworth, of this ordinance. This hearing for Ordinance 23-22 will continue at the next meeting on Tuesday, November 28, 2023.

Dumont Resident #2 from Garfield Street asked when the plans would be made available for the public. Councilman Rosenberg responded that they were not able to control when plans would be released but predicted probably in February 2024. The Planning Board will receive a Site Plan and subdivision approval request to subdivide the lot into at least two lots on Massachusetts Avenue from Grant Street to the gas station. The Site Plan will show buildings and what the proposed look will be. The Planning Board meets every 3rd Wednesday of the month and if there are cancellations, the Municipal Clerk will post on the website. Borough Attorney Regan stated that residents who live 200-feet from this will get noticed from the Planning Board.

Dumont Resident #3 from Garfield Street asked where the entrance will be and expressed frustration over traffic being sent to Dumont from this development in Haworth. Councilman Rosenberg responded that ingress and egress will be on Massachusetts Avenue and Haworth is putting this on vacant land that is buildable. As courtesy, Councilman Rosenberg suggested a solution for traffic on Dumont side, Dumont's Borough Administrator and Dumont residents when they attended our last Haworth Mayor and Council meeting during public comments, that Dumont could block off entrances to those streets. Haworth cannot make those ordinances or stipulations for Dumont. Mayor Wasser further elaborated that the reason why this does not reference Grant Street is because the portion of Grant Street in Haworth that this affected goes into the woods on a dead end before the softball field.

Dumont Resident #4 from Garfield Street asked if Haworth was paving the entire street and what the plans are for the other part of the parcel. Councilman Rosenberg responded that Haworth will not pave the entire street; only along the 2.37 acres of the development section. Councilman Rosenberg reiterated that there are no plans yet. The Developer is required to abide by current Haworth Borough ordinances. They did not gain any more than any other person in Haworth would have received; which is 2 ½ stories max and to be 35 feet or less. Attorney Regan responded that this ordinance does not cover site plans.

Dumont Resident #5 expressed frustration that Haworth's obligation to Affordable Housing is affecting Dumont residents negatively. She expressed concerns over safety of the children, valuations of their homes and Haworth was changing the atmosphere of the block for Dumont residents. Dumont residents on that street purchased their homes for that street not to be paved nor have Affordable Housing built right across the street from them. Mayor Wasser responded that Haworth is not directing traffic to Dumont. Massachusetts Avenue is where the entrance development will be which is in Haworth. Theoretically, traffic should flow to Knickerbocker but Haworth cannot control how and where drivers will drive. Haworth residents who live on the border in Haworth here, as well as Haworth residents who live along Lake Shore Drive development had similar concerns, but this is the burden or obligation all municipalities carry.

Dumont Resident #6 stated that Haworth only paving the entrance and not all the way will inherently create more traffic into Dumont. Mayor Wasser responded that the intersection on Chestnut Bend is very congested and not safe due to speeders. Mayor Wasser laid out the busyness of the area: There is a bank with a drive through, a bus stop (no matter how many times Haworth has called N.J. Transit to report their buses being tripled parked and blocking the two-way traffic on that street but to no avail), there is commuter parking, a gas station, then Pearl Street, Washington Avenue and Summit Place. Mayor Wasser then elaborated and explained that creating an appealing cut through on Massachusetts Avenue by paving the entire area, where Haworth cannot put traffic lights nor control flow of traffic on a county road, it would provide other unsafe situations where drivers will cut through other streets, not just to Garfield Street. Haworth is doing our best to be as fair and safe as possible for all those that may be affected.

These meeting minutes have been approved by the Haworth Mayor and Council on November 28, 2023.

Open for further public comments – None.

Attorney Regan stated that this public hearing will continue Tuesday, November 28, 2023. Residents from both municipalities Dumont and Haworth within 200-feet will be noticed.

Close public comments.

NEW BUSINESS:

Councilman Poosikian introduced a new application to the Haworth Fire Dept: Tyler Green. Tyler's father is the ex-Chief of Haworth Fire Department. Tyler is a junior Fire Fighter, very active and has completed his Fire Fighter #1 and submitted his application to be a full fledge Fire Fighter as he turned 18.

RESOLUTION 079:10'2023 - TO APPROVE TYLER M. GREEN AS A MEMBER OF THE HAWORTH FIRE DEPARTMENT

MOTION BY: Councilman Poosikian

SECONDED: Councilman Rosenberg

WHEREAS, Tyler M. Green applied to the New Jersey State Firemen's Association for membership; and

WHEREAS, Tyler M. Green was interviewed by the Haworth Fire Department;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Haworth to approve Tyler M. Green as a member of the Haworth Fire Department effective October 25, 2023, upon terms and conditions customary to the position and to be memorialized in the aforesaid Memorandum of Employment.

BE IT FURTHER RESOLVED If required, a copy of the resolution pertaining to the Appointee's position as member of the Haworth Fire Department shall be forwarded to the New Jersey State Firemen's Association.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Lau, Davis

MOTION APPROVED

Absent: Siciliano, Dhamija

Councilman Poosikian provided a statement that Michael Bolwell was one of Haworth's best employees but left in February to work for Veolia. Michael is available as seasonal hire to help during leaf season which is a positive for Haworth because we bought a leaf grinder and it needs an operator which Michael is licensed for.

RESOLUTION 080:10'2023 - TO APPROVE MICHAEL BOLWELL AS SEASONAL LABORER EMPLOYEE FOR THE DEPARTMENT OF PUBLIC WORKS

MOTION BY: Councilman Poosikian

SECONDED: Councilwoman Davis

WHEREAS, there exists within the Borough of Haworth a need for a seasonal employee for the leaf and snow season in the Department of Public Works; and

WHEREAS, there is a need for a CDL permit to operate said leaf and snow plowing equipment; and

WHEREAS, the Department of Public Works budgeted \$20,000 for seasonal employees for 2023; and

WHEREAS, Michael Bolwell was a previous Haworth employee in good standing with the Department of Public Works; and

WHEREAS, Michael Bolwell had obtained his CDL License and advanced to Step 2 in 2023; and

WHEREAS, Michael Bolwell has been hired as a DPW Seasonal employee at a rate of \$20.00 per hour with no benefits; and

WHEREAS, the DPW Seasonal compensation range on the 2023 Salary Ordinance is \$12.93 to \$15.00; and

WHEREAS, an amendment will be prepared to raise the upper limit of the range of the 2023 Salary Ordinance to \$25.00; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Haworth to hire Michael Bolwell to the position of seasonal laborer employee for the Department of Public Works effective October 25, 2023, and that he will receive \$15.00 per hour upon terms and conditions customary to the position, until an amendment to the ordinance is passed and will receive Retro pay at the rate of \$20.00 on all hours worked since date of hire; and to be memorialized in the aforesaid Memorandum of Employment.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Lau, Davis

MOTION APPROVED

Absent: Siciliano, Dhamija

RESOLUTION 081:10'2023 - AUTHORIZE PURCHASE OF EQUIPMENT FOR COMMAND VEHICLE FOR THE HAWORTH POLICE DEPARTMENT

MOTION BY: Councilman Poosikian

SECONDED: Councilwoman Davis

WHEREAS, the Borough of Haworth has determined that it is in the best interest of its residents to purchase equipment for the new Police SUV; and

WHEREAS, the equipment shall be purchased under NJ State Contract 89980, from approved state vendor G.T.B.M. for an amount not to exceed \$20,417.77; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount \$20,417.77 are available in Account No. C-04-23-788-001; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Haworth, County of Bergen, State of New Jersey does hereby approve the aforesaid purchase from G.T.B.M.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Lau, Davis

MOTION APPROVED

Absent: Siciliano, Dhamija

Request by Borough Administrator to Appoint Neil Rubenstein, Haworth Tax Assessor, as Assessment Search Officer – Approved. Appointment will be made during reorganization.

Mayor Wasser communicated a new agenda item tonight. She received a letter from the Haworth Jewish Women's Group, who are present tonight, stating a need for solidarity and support. They are requesting approval to have a Blue Ribbon Ceremony and mourn the 220 people that were brutally murdered, and many others that are still held hostage. Councilman Rosenberg stated when they confirm a date and location, to let the Council know. The Council would like to ensure security for the event and if they intend to have speakers, the Borough can assist if they needed electricity. Councilman Rosenberg reminded the group to be mindful of Haworth's strict sign ordinance when publicizing the event. Mayor Wasser stated that when they send communication, the Haworth Jewish Women's Group are not representing the Borough. Councilman Poosikian requested not to have ribbons tied too tightly around trees; in prior events involving ribbon tying, it has strangled borough trees. Mayor Wasser stated that many of the Council Members would like to attend the ceremony and requested that they not consider the week of November 14; many Council Members will be away at a League conference.

PUBLIC COMMENTS: None.

CONSENT AGENDA: The following resolutions are considered routine and non-controversial, and will be voted on by one vote. If any Council Member wishes to remove any items from the consent agenda, and request an individual vote, they may do so.

Councilman Poosikian inquired about Haworth Library's Social Affairs Permit and asked for clarification because there is an ordinance that no alcohol would be served at events. Mayor Wasser replied that there will be no alcohol served at events where children are present. Municipal Clerk stated there are strict requirements they need to adhere to as part of the social affairs permit application process; such as security plans for the event in checking IDs and providing a detailed sketch of entrances and exits.

RESOLUTION 082:10'2023 – Approval of Raffle License Permits

MOTION BY: Councilman Poosikian **SECONDED:** Councilman Rosenberg
WHEREAS, the raffle applications were submitted to the Legalized Games of Chance Control Commission,
NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council that the following be approved as submitted providing all rules and regulations of Legalized Games of Chance Control Commission are adhered to.

Organization	Raffle Application	Type
Haworth Ambulance Corps	RA-502	50/50 Off Premise
K of C Immaculate Conception Council 9021	RA-503	50/50 Cash Awards
Woman's Club of Haworth	RA-504	50/50 On Premise
Woman's Club of Haworth	RA-505	Basket Raffle
Sacred Heart Church	RA-506	Casino Night
Haworth Fire Company 1	RA-507	50/50 Off Premise
Sacred Heart Church	RA-508	50/50 Off Premise

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Lau, Davis **MOTION APPROVED**
Absent: Siciliano, Dhamija

RESOLUTION 083:10'2023 – Approval of Friends of Haworth Library Social Affairs Permit

MOTION BY: Councilman Poosikian **SECONDED:** Councilman Rosenberg
WHEREAS, the Friends of the Haworth Municipal Library submitted a Social Affairs Permit application for a wine tasting event scheduled for November 16, 2023; and
WHEREAS, the Social Affairs Permit application was submitted to The Division of Alcoholic Beverage Control,
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the social affairs permit for the Friends of the Haworth Municipal Library be approved.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Lau, Davis **MOTION APPROVED**
Absent: Siciliano, Dhamija

RESOLUTION 084:10'2023 – Approval of Regular Meeting Minutes from 9/26/2023

MOTION BY: Councilman Poosikian **SECONDED:** Councilman Rosenberg
 At this meeting of the Haworth Mayor and Council held on October 24, 2023 to approve the Regular Meeting Minutes of September 26, 2023.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Lau, Davis **MOTION APPROVED**
Absent: Siciliano, Dhamija

RESOLUTION 085:10'2023 – Approval of Closed Session Meeting from 9/26/2023

MOTION BY: Councilman Poosikian **SECONDED:** Councilman Rosenberg
 At this meeting of the Haworth Mayor and Council held on October 24, 2023 to approve the Closed Session Meeting Minutes of September 26, 2023.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Lau, Davis **MOTION APPROVED**
Absent: Siciliano, Dhamija

RESOLUTION 086:10'2023 – Approval of Executive Meeting Minutes from 10/10/2023

MOTION BY: Councilman Poosikian **SECONDED:** Councilman Rosenberg
 At this meeting of the Haworth Mayor and Council held on October 24, 2023 to approve the Executive Meeting Minutes of October 10, 2023.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Lau, Davis **MOTION APPROVED**
Absent: Siciliano, Dhamija

These meeting minutes have been approved by the Haworth Mayor and Council on November 28, 2023.

RESOLUTION 087:10'2023: Approval of Bills and Claims

MOTION BY: Councilman Poosikian

SECONDED: Councilman Rosenberg

At this meeting of the Haworth Mayor and Council held on October 24, 2023, to approve the bills and claims of which are appended.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Lau, Davis

MOTION APPROVED

Absent: Siciliano, Dhamija

PUBLIC COMMENTS: None.

CLOSED SESSION

The Mayor and Council convened in Closed Session at 8:33 P.M. and reconvened in public session at 8:40 P.M.

RESOLUTION: Closed Session Relating to Employment (Attorney-Client Privilege) – October 24, 2023

MOTION: Councilman Poosikian

SECONDED: Councilwoman Davis

At this meeting of the Haworth Mayor and Council held on October 10, 2023;

WHEREAS, the Mayor and Council of the Borough of Haworth is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4 – 6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4 – 12, provides that a Closed Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Mayor and Council for the Borough of Haworth to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4 – 12b subsection designated below:

(b)(7) Matters Relating to Litigation, Negotiations, and the Attorney-Client Privilege: Contract Negotiations;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Haworth, assembled in public session on Tuesday, October 24, 2023, that a Closed Session closed to the public shall be held for the discussion of matters relating to the specific items designated above; and

BE IT FURTHER RESOLVED, that the deliberations conducted in Closed Session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

ROLL CALL VOTE (Ayes): Poosikian, Rosenberg, Lau, Davis

MOTION APPROVED

Absent: Siciliano, Dhamija

OPEN FOR PUBLIC COMMENTS: None.

ADJOURNMENT

MOTION: Councilman Rosenberg

SECONDED: Councilman Lau

Approved by all present to adjourn the meeting of the Mayor and Council of the Borough of Haworth at 8:40 P.M.

Respectfully Submitted,
Jo Anna Myung
Municipal Clerk/Borough Administrator

**(ADDITIONAL READING) AT THE BOROUGH OF HAWORTH MAYOR AND COUNCIL MEETING
AN ORDINANCE TO AMEND CHAPTER 26
(LAND USE REGULATIONS) OF THE MUNICIPAL CODE OF THE BOROUGH OF HAWORTH
AND CREATE ZONE G - MASSACHUSETTS AVENUE
RESIDENTIAL/INCLUSIONARY MULTI-FAMILY DISTRICT**

WHEREAS, the Borough of Haworth is the owner of certain property identified as Block 1800, Lot 1 as shown on the Tax Map of the Borough of Haworth (the "Borough"), which consists of approximately 8.34 acres in total;

WHEREAS, the Borough seeks to rezone a portion of Lot 1, known as the Subject Property, and consisting of approximately 103,956 SF or 2.387 acres. The area to be rezoned is identified by a metes and bounds description contained herein;

WHEREAS, in a decision dated March 10, 2015, In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), the New Jersey Supreme Court found that COAH did not provide an adequate forum for demonstrating compliance with the Mount Laurel doctrine; and

WHEREAS, the New Jersey Supreme Court established a transitional process in which municipalities, instead of proceeding through the COAH process, could file declaratory judgment actions focused on whether the municipality's housing plan meets its Mount Laurel obligations; and

WHEREAS, the New Jersey Supreme Court provided that a trial court's evaluation of a municipality's plan that had received substantive certification, as supplemented or amended, may result in the municipality's receipt of the judicial equivalent of substantive certification and accompanying protection as provided under the Fair Housing Act of 1985; and

WHEREAS, on June 25, 2015, in accordance with the Supreme Court's decision, the Borough filed a declaratory action that is captioned In the Matter of the Application of the Borough of Haworth, a Municipal Corporation of the State of New Jersey, For Substantive Certification Docket No. BER-L-5912-15 ("Litigation"); and

WHEREAS, on May 14, 2019, the Borough Council of the Borough of Haworth adopted a Resolution Authorizing Settlement of Litigation in the Matter Entitled "In the Matter of the Application of the Borough of Haworth, a Municipal Corporation of the State of New Jersey, Docket No. BER-L-5912-15."

WHEREAS, On May 14, 2019, the Borough of Haworth ("Borough"), entered into a Settlement Agreement with the Fair Share Housing Center. Said Settlement Agreement included the Subject Property as described herein;

WHEREAS, pursuant to the terms contained in the May 14, 2019 Settlement Agreement, the Borough agreed to provide a realistic opportunity for the development of additional affordable housing on the Subject Property; and

WHEREAS, On September 18, 2019, the Borough of Haworth Planning Board adopted a 2019 Housing Element and Fair Share Plan in accordance with the 2019 Settlement Agreement with the Fair Share Housing Center. Said Housing Element and Fair Share Plan included the Subject Property as described herein;

WHEREAS, N.J.S.A. 40:55D-62 and 40:55D-65 provide that the governing body may adopt or amend a zoning ordinance related to the nature and extent of the uses of land and structures thereon and a zoning ordinance may restrict buildings and structures according to their type and the nature and extent of their use; and

WHEREAS, the following amendments to the Borough's Zoning Ordinance in accordance with the 2019 Settlement Agreement authorized pursuant to the Resolution adopted by the Borough on May 14, 2019 are recommended; and

WHEREAS, the Borough Council has determined that the recommended changes would be beneficial to the Borough; and

WHEREAS, Chapter 26 (Land Use Regulations) must be amended and supplemented to effectuate said changes.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Haworth in the County of Bergen, State of New Jersey as follows:

SECTION 1.

Chapter 26 (Land Use Regulations), Article 400 (Zoning Districts and Zoning Map) of the Municipal Code of the Borough of Haworth is hereby supplemented to read as follows [additions by **bold**]:

§26-401. Zoning Districts.

[Ord. No. 779 § 16.401; ; Ord. No. 2013-02 § 26-401; amended 7-23-2019 by Ord. No. 19-09; amended **9-26-2023 by Ordinance No. 23-22**

For the purposes of this chapter, the Borough of Haworth is hereby divided into classes of districts or zones as follows:

Zone A -Residential

Zone B - Watershed/Recreation

Zone C - Residential

Zone D - Business

Zone E - Residential

Zone F - Residential/Inclusionary Multifamily (Block 1100, Lot 12)

Zone A/OZ - Residential/Overlay Zone District

Zone MU - Municipal Use

Zone G – Massachusetts Ave. Residential/Inclusionary Multifamily (2.387 parcel of Block 1800, Lot 1 as described herein)

§ 26-402. Zoning Map.

[Ord. No. 779 § 16.402; Ord. No. 928 § 1; Ord. No. 2013-02 § 26-402; Ord. No. 23-22]

The boundaries of each of the zone districts created by this chapter, and as may be thereafter amended, are hereby established as shown on the Zoning Map of the Borough of Haworth, signed by the Mayor and Borough Clerk, entitled "Zone District Map", dated April 6, 2006 (base map prepared by P. David Zimmerman, 1989; zoning information revised by Hakim Associates, 2005), as amended from time to time. The Zoning Map accompanies this chapter and is hereby declared to be a part of this chapter. Ordinance No. 23-22, to be adopted on 2nd reading scheduled for Tuesday, October 10, 2023 amends the Zoning Map to create the G Zone comprised of a 2.387 acre portion of Block 1800, Lot 1.

SECTION 2.

Chapter 26 (Land Use Regulations), Article 500 (District Regulations) of the Municipal Code of the Borough of Haworth is hereby supplemented to read as follows [additions by **bold**]:

These meeting minutes have been approved by the Haworth Mayor and Council on November 28, 2023.

§26-501 SCHEDULE OF ZONING LIMITATIONS

[Ord. No. 779 § 16.501; Ord. No. 2013-02 § 26-501; Ord. No. ~~23-22~~]

The Schedule of Zoning Limitations accompanies and is included as an attachment to this chapter. The regulations contained in the Schedule of Zoning Limitations, in conjunction with the Use and Building Regulations set forth herein, govern the use of land in the Borough of Haworth.

§26-502 SCHEDULE OF ZONING LIMITATIONS

§-26-502.10. Zone G – Massachusetts Ave. Residential/ Inclusionary Multifamily (2.387-acre Portion of Block 1800, Lot 1)

[Added ~~9-26-2023~~ by Ord. No. ~~23-22~~]

The following standards shall apply to development within Zone District G. All other zoning and land use provisions including by way of example the provisions of Chapter 26, Land Use Regulations, of the Haworth Code shall apply to development in the Residence Zone G only where specifically indicated as applicable in §26-502.10. When the standards herein conflict with other provisions of Chapter 26, the standards herein shall apply.

- a.** Intent; Description. The Borough of Haworth desires to establish a residential zone that will provide opportunities for the construction of very low, low and moderate-income housing in accordance with the prospective need obligation for New Jersey's Fair Housing Act Third Round (1999-2025). A portion of existing Lot 1, consisting of approximately 2.387 acres and described via metes and bounds herein, in Block 1800 of the Official Tax Maps of the Borough of Haworth has been identified as appropriate for an inclusionary multifamily housing development in which a portion of the dwelling units therein can be set aside for low- and moderate-income households.

The Metes and Bounds descriptions for existing Block 1800, Lot 1 and the approximately 2.387-acre portion of Block 1800, Lot 1 that is the subject of the ordinance, are contained in an undated document entitled, "Deed Description," prepared by MEGA Construction Management, Inc., and are described herein as follows:

Existing Block 1800, Lot 1

All that certain lot, piece or parcel of tract of land, situate and lying in the Borough of Haworth, County of Bergen and State of New Jersey.

Being known and designated as All those Lots and part of Lots in Block Nos. 192, 193, 194, 195, 196, 197 and 198, on map entitled "Amended Map #2 of Hollywood Park Haworth, NJ," filed in the Bergen County Clerk's Office, dated April 15, 1929, as Map No. 2516, as follows:

COMMENCING at a point formed by the tangent intersection of the easterly side line of Schraalenburgh Road (41.25' wide) and the northerly side line of Massachusetts Avenue (60' wide), said point being distant 152.00 feet easterly along said northerly side line of Massachusetts Avenue (60' wide), to the point and place of TRUE BEGINNING; and running; thence

1. North 2 degrees 41 minutes 45 seconds East, 158.21 feet, to a point, thence;
2. North 84 degrees 13 minutes 43 seconds East 556.26 feet, to a point, thence;
3. North 86 degrees 39 minutes 4 seconds East, 575.85 feet, to a point, thence;
4. South 1 degrees 57 minutes 59 seconds West, 286.44 feet, to a point on the northerly side of Massachusetts Avenue (60' wide), thence;
5. Along the said northerly side of Massachusetts Avenue (60' wide), North 88 degrees 2 minutes 1 second West, 824.78 feet, to a point, thence;
6. North 4 degrees 39 minutes 19 seconds East, 100.11 feet to a point, thence;
7. North 88 degrees 2 minutes 1 second West, 40.04 feet, to a point, thence;
8. South 4 degrees 39 minutes 19 seconds West, 100.11 feet, to a point on the northerly side of Massachusetts Avenue (60' wide), thence;
9. North 88 degrees 2 minutes 1 second West, 261.76 feet to the point or place of TRUE BEGINNING.

Said Parcel containing therein 252,940 Sq. Ft./ 5.807 acres more or less.

Subject Property – Portion of Lot 1 To Be Included in Zone G and Described as Follows:

All that certain lot, piece or parcel of tract of land, situate and lying in the Borough of Haworth, County of Bergen and State of New Jersey.

Being known and designated as All those Lots and part of Lots in Block Nos. 192, 193, 194, 195, 196, 197 and 198, on map entitled "Amended Map #2 of Hollywood Park Haworth, NJ," filed in the Bergen County Clerk's Office, dated April 15, 1929, as Map No. 2516, as follows:

BEGINNING at a point formed by the intersection of the westerly side line of Grant Street (40.00' wide) and the northerly side line of Massachusetts Avenue (60' wide), and running; thence

1. North 88 degrees 2 minutes 1 second West, 334.98 feet, to a point, thence;
2. North 1 degrees 57 minutes 59 seconds East, 286.44 feet, to a point, thence;
3. North 86 degrees 39 minutes 4 seconds East, 60.28 feet, to a point, thence;
4. North 86 degrees 39 minutes 50 seconds East, 293.80 feet, to a point, thence;
5. South 5 degrees 7 minutes 16 seconds West, 319.66 feet, to the point or place of BEGINNING.

Said Parcel containing therein 103,956 Sq. Ft/ 2.387 acres more or less.

- b.** Permitted Principal Uses
Affordable housing development as defined in § 30-1.3.

These meeting minutes have been approved by the Haworth Mayor and Council on November 28, 2023.

As described in the Borough's Settlement Agreement with the Fair Share Housing Center and the Borough's 2019 Housing Element and Fair Share Plan, the affordable housing development in Zone G, may include multiple uses. Multiple uses are permitted both within individual buildings, as well as within the subject property.

Additionally, Zone G is exempt from §26-202.5. Multiple permitted principal structures are permitted in G Zone and on the Subject Property.

Below are the permitted principal uses that may be included in an affordable housing development in Zone G.

1. Attached single-family dwellings - Shall mean a single-family dwelling contained in a building with other residential units. No unit shall be located above another unit, and each unit shall be separated from any other unit by one or more common fire-resistant fire walls.
2. Stacked townhouses, as defined in §26-301.
3. Apartments – Shall mean a dwelling unit containing one or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building containing other dwelling units.
4. Alternative living arrangements, including group home units and supportive housing units, as defined in §30-1.3.
5. Age-restricted affordable units as defined in § 30-1.3, except that all units are available to individuals aged 55 and older.
6. Family affordable units- Shall mean affordable units that are not restricted to any specific population group.
- c. Permitted Accessory Uses and Structures: indoor and outdoor community space, attached private garages, off-street parking, covered porches, patios sidewalks, walking paths, landscaping, buffering, fencing, walls, lighting, signage, stormwater detention facilities, common open space, outdoor recreational facilities or structures for the private use and enjoyment of residents and their guests, and other accessory structures and uses which are customary and incidental to the principal permitted uses.
- d. Bulk Area and Other Dimensional Standards:
 1. As defined in §26-301, the Subject Property located in Zone G is a Corner Lot with frontages on both Massachusetts Avenue and Grant Street. Further as defined in §26-301, the lot lines abutting both Massachusetts Avenue and Grant Street are front lot lines.
 2. The Subject Property located in Zone G is exempt from the requirements of § 26-502.8.g.2, "Designation of Front Yard on Corner Lots." For purposes of this ordinance, the Grant Street frontage and front lot line is considered the "designated" front lot line, and the lot line opposite the Grant Street front lot line is considered the rear lot line. The lot line opposite the Massachusetts Avenue front lot line is considered the Side Lot line.
 3. Minimum lot area: 2.3 acres.
 4. Minimum lot depth: 300 feet.
 5. Minimum lot width: 300 feet
 6. Minimum setbacks:
 - a) For buildings [NOTE: Patios, covered porches and awnings that are attached to the principal building(s) are permitted to encroach up to seven feet into the required front, rear or side yard setbacks.]
 - (1) Front yards: 20 feet.
 - (2) Rear yards: 50 feet.
 - (3) Side yards: 15 feet.
 - b) For accessory buildings and structures:
 - (1) Front yards: Not permitted.
 - (2) Side yards: 6 feet.
 - (3) Rear yards: 6 feet.
 - c) For parking areas and drive aisles:
 - (1) Front yard: 15 feet for parking areas and drive aisles.
 - (2) Rear Yard: 25 feet for parking areas and drive aisles.
 - (3) Side yards: 5 feet for parking areas and drive aisles.
 7. Minimum distances between buildings: 25 feet.
 8. Maximum height of structure: 2.5 stories, 35 feet.
 9. Maximum building coverage: 35%
 10. Maximum pavement coverage: 40%
 11. Maximum impervious lot coverage: 70%
 12. Maximum number of dwelling units: 35 units
 13. Minimum number of total affordable units: 14 units, which shall include:
 - a) Eight (8) family units
 - b) Two (2) age-restricted units
 - c) Four (4) supportive housing units.
- e. **Parking Requirements:**
 1. **Parking shall be provided per New Jersey Residential Site Improvement Standards (RSIS).**
 2. **For the attached single family dwellings, at least (1) parking space shall be provided in an enclosed garage; a second parking space may be provided in the driveway in front of the garage; parking for stacked townhouses, apartments, group home and supportive housing units, age-restricted units, family affordable units, and visitors may be provided in off-street spaces.**
 3. **Electric Vehicle (EV) parking spaces shall be provided in accordance with NJ P.L. 2021, c.171 (C.40:55D-66.20.3.a.(1)(a)).**
- f. **Signage. One double-sided ground-mounted sign shall be permitted, no taller than six feet in height, with a sign area no greater than 32 square feet. Said sign shall be set back a minimum of 10 feet from the front yard property line along Massachusetts Avenue and shall not be located within any designated sight triangle.**

- g. **Patios, Covered Porches, Fences and Walls:**
 - 1. No wall within the development shall exceed a height of six feet.
 - 2. Fences shall conform to all requirements contained within §26-902.1.
 - 3. "Patio" and "Covered Porch" as used herein shall be defined as a level area covered by a hard surface that is located at grade level and attached to a principal building. Patios and covered porches may be covered by a permanent roof but shall not be enclosed.
- h. **Landscaping.** The provisions of § 26-904.1 of the Haworth Code entitled "Landscaping" shall apply to the development. Notwithstanding such provisions, and except where current vegetation provides a landscape buffer along each property line, and where no disturbance is proposed within 5 feet of a property line, a minimum of a row of evergreen trees interspersed with deciduous shade trees with a planting height of at least eight to 10 feet shall be planted along all front, rear and side yards. The spacing of such trees shall be such that, at maturity, such trees shall provide a continuous evergreen screen along such property lines. The shade deciduous shade trees interspersed with the evergreen buffer plantings shall be provided at intervals of not more than 40 feet. No tree plantings shall be permitted within the clear sight triangle at Massachusetts Avenue and Grant Street, however landscaping plantings with a mature height of no more than 2.5 feet are permitted and shall be planted in this area. All proposed landscaping and tree plantings shall be subject to the review and approval of the Haworth Planning Board at the time of Site Plan approval.
- i. **Buffering.** The provisions of §26-903.5 of the Haworth Code entitled "Required Buffering Areas and Setbacks" shall apply to the development.
- j. **Lighting.** The provisions of §26-905 entitled "Lighting" of the Haworth Code shall apply to the development.
- k. **Architectural Design Standards.** The provisions of §26-907 of the Haworth Code, entitled "Architectural Design Standards of Structures Requiring Site Plan Review and Approval" shall apply to the development.
- l. **Architectural Design Standards.** The provisions of §26-907 of the Haworth Code, entitled "Architectural Design Standards of Structures Requiring Site Plan Review and Approval" shall apply to the development.
- m. **Utilities.** The provisions of §26-910 of the Haworth Code entitled "Utilities" shall apply to the development.
- n. **Stormwater.** Development shall comply with the provisions of §26-911 of the Haworth Code, entitled "Stormwater Control," along with any applicable New Jersey State requirements.
- o. **Affordable Housing**
 - 1. Pursuant to the Settlement Agreement adopted May 14, 2019 between the Borough and Fair Share Housing Center, 14 affordable dwelling units shall be set aside for occupancy by low- and moderate-income households. As stipulated in the 2019 Settlement Agreement, the quantity and type of affordable units shall be provided as follows:
 - a) Eight (8) family units
 - b) Two (2) age restricted units
 - c) Four (4) supportive housing units.
 - 2. The bedroom and income mix and phasing shall comply with the requirements of the Uniform Housing Affordability Controls ((UHAC); N.J.A.C. 5:80-26.1 et seq.) and the requirements of the May 14, 2019 Settlement Agreement between the Borough and Fair Share Housing Center. At least 13% of the units shall be occupied by very-low-income households.
 - 3. Such low- and moderate-income units shall be dispersed throughout the development to the extent possible. Additionally, the exterior finishes and appearance shall be the same as that of the market-rate units.
 - 4. Such units shall be restricted to low- and moderate-income households for a period of not less than 30 years. The developer shall be responsible for retaining a qualified administrative agent at the developer's sole cost and expense.
 - 5. The provisions of § 30-1, Affordable Housing, shall apply.

SECTION 3. Inconsistent Ordinances Repealed.

All Ordinances or parts which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION 4. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 5. Effective Date.

This Ordinance shall take effect after publication thereof and final passage as required by law.