

**BOROUGH OF HAWORTH  
MAYOR AND COUNCIL**

**Regular Meeting – Tuesday, November 28, 2023 @ 7:30 PM**

**CALL TO ORDER/SALUTE TO THE FLAG/PUBLIC ANNOUNCEMENT**

The Mayor and Council convened for this Regular Meeting of the Borough of Haworth on Tuesday, November 28, 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](http://www.haworthnj.org).

**ROLL CALL**

<b>Hon. Heather Wasser, Mayor - Present</b>	<b>Glenn Poosikian - Present</b>
<b>Andrew Rosenberg - Present</b>	<b>Dina Siciliano - Present</b>
<b>Lisa Dhamija - Present</b>	<b>Howard Lau - Present</b>
<b>Alanna Davis - Present</b>	<b>Michele Dilorgi – Present (after being sworn in)</b>

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

Mayor Wasser thanked Councilman Howard Lau for stepping up onto the Council seat when it was needed and for serving with dedication and diligence. Mayor Wasser stated that Councilman Lau has a very pleasant demeanor and it was a pleasure to work with someone who served with such intellect and curiosity.

Mayor Wasser acknowledged special honorary guests in attendance: County Executive James Tedesco and U.S. District Judge Julien X. Neals who will collectively sworn in Michele Dilorgi, and Former U.S. Congressman Steve Rothman in the audience.

**SWEARING IN CEREMONY**

The Oath of Office was administered by County Executive James Tedesco and U.S. District Judge Julien X. Neals to Michele Dilorgi - to serve the remaining portion of a one-year unexpired term expiring December 31, 2024

Ms. Dilorgi acknowledged Commissioners Tracy Zur and Mary Amoroso in the audience, and made a speech:

Good evening esteemed members of the Haworth council, distinguished guests, fellow residents, friends and family.

I am deeply honored and humbled by the trust you have placed in me by electing me to serve on our esteemed town council. It is with immense gratitude that I stand before you today, ready to embrace this responsibility with dedication and commitment.

I want to express my heartfelt thanks to all those who supported my candidacy, whether through their votes, encouragement, or invaluable assistance throughout the campaign. I am fully aware of the weight of this responsibility and am ready to serve. I am genuinely excited about the opportunity to contribute to the continued betterment of our town. I pledge to work tirelessly, listening attentively to the needs and concerns of our residents, striving to make informed decisions that benefit our entire community.

Collaboration and unity have always been the core of my approach in all aspects of life. I believe in fostering an inclusive environment where diverse voices are not only heard but respected, where innovative ideas are encouraged, and where collective efforts lead us toward progress and continued prosperity.

I look forward to working alongside my esteemed colleagues on the council, drawing upon their expertise and working together harmoniously for the betterment of our community.

Before I conclude, I would like to take a moment to express my deepest gratitude to my family and mentors who have been unwavering pillars of support on my journey.

I am indebted to my mentors, whose guidance, wisdom, and invaluable advice have shaped my perspective and propelled me forward. Your insights have been instrumental in shaping my understanding of community leadership, and I am honored to have learned from your experiences.

Thank you, County Executive Tedesco, Judge Julien Neals, Former Congressman Steve Rothman, Chairman Paul Juliano for your leadership and more importantly friendship. Your influence has been immeasurable, and I am forever grateful.

Without their unwavering support and guidance, I wouldn't be standing here today, ready to serve our community. I am deeply appreciative of their influence on my life and their contribution to my journey.

And lastly and most importantly to my family – your love, encouragement, and constant sacrifices have allowed me to serve the public and the community for over 34 years. Your belief in me has given me the strength to pursue this endeavor, and I am profoundly grateful for your enduring support. Your willingness to share my time with others is not always easy but most sincerely and genuinely appreciated. Thank you again, from the bottom of my heart for always believing in me.

In closing, I am grateful for the opportunity to serve. I am committed to upholding the trust you have bestowed upon me, and I am excited about the positive changes we can achieve together to further enhance the quality of life for all our residents.

Councilman Lau congratulated Michele Dilorgi and stepped down from the dais. Councilwoman Dilorgi then took the seat on the dais.

County Executive Tedesco communicated that when he conducts special presentations and there is a signing, he presents them with a commemorative pen and coin of the County of Bergen.

The Oath of Office was administered by County Executive James Tedesco to Alanna Z. Davis remaining portion of a two-year unexpired term expiring December 31, 2024. Councilwoman Davis made a speech:

Thank you to our County Executive Mr. Tedesco for graciously performing the oath to swear me in this evening. To the Mayor and Council, Mr. Regan, Mrs. Myung, honorable and distinguished guests, and community members joining us here tonight, thank you for being here and for your support. It was an honor to be appointed by the Mayor and Council to serve back in May and I feel grateful the Haworth community has entrusted me to continue to serve alongside these esteemed and dedicated colleagues. I have had the privilege to experience firsthand how this Mayor and Council works cohesively to lead with integrity, efficiency, and camaraderie to advocate for the Borough and the residents of Haworth. To my husband Damien and our children Harrison, Max, and Sydney, you are my inspiration for all that I do and it is your love and encouragement that fuels and fills me up. We are so fortunate to call this gem of Haworth our home and I am deeply honored and humbled to serve our extraordinary community.

## **COMMITTEE REPORTS:**

### **Councilwoman Dhamija**

#### Library:

- There is an Arts Exhibit at the library showcasing Haworth Artists' works until January 2, 2024. Councilwoman Dhamija thanked Susan Chval for organizing this event.
- Library Assistant, Freda Rakowski, is stepping down for another opportunity with Teaneck and Vanessa Hennig-Roshong will be assuming some of those duties.
- The issue of book banning is a non-issue.

#### Haworth EMS:

- The stipend program is moving forward and discussions are being planned. Report on file with HVAC.

#### Pickleball courts:

- They had a successful grand opening on November 19. Councilwoman Dhamija thanked Mayor Wasser for covering for her.

#### BOH:

- Flu clinic was a success with administration of 60 vaccines. The CPR class was a hit. They would like to conduct other CPR classes in January and/or February, and would like to know if the borough could subsidize.

#### Haworth 5K:

- They received \$2K for new AEDs and HVAC would like to present them with a thank you plaque.

### **Councilman Rosenberg**

#### Zoning Board of Adjustment:

- No meeting last month due to no new business but they will meet next week for administrative matters.

#### Planning Board:

- They may meet in December for administrative matters only. The Planning Board hopes to have the Massachusetts Avenue subdivision plans in the beginning of year in 2024. The main work by the Planning Board will start then.

#### Police Dept:

- September and October are the busiest months with many activities that are planned such as Haworth Day, Halloween events and canvassing the Trunk n' Treat and Ghost Stories.
- Our Youth Officer set up a visit to the school with the Bergen County K9 unit.
- Councilman Rosenberg stated that the Police Auxiliary are an invaluable asset to the borough as they provide additional source of crucial man power for many Haworth events. Report on file with HPD.

### **Councilman Poosikian**

#### DPW & Fire Dept:

- Councilman Poosikian provided a joint report for DPW and Fire. The DPW and the Fire Department are working on regulations and have participated on Haworth Day from start to finish. On December 16, Santa will be visiting atop the Fire truck. Report on file with their respective departments.
- The DPW have put together leaf pick up schedule with what streets and sections they are picking up leaves and this is one of the 1<sup>st</sup> years that Councilman Poosikian has had DPW under his portfolio that they are on schedule; the weather having a lot to do with that. There will be two more weeks of pick-ups.

### **Councilwoman Siciliano**

#### Shade Tree Commission:

- The STC completed the Winter Tree Program and as part of the Green Tree Foundation, they were able to plant 15 new trees. The STC and Environmental Committee met to discuss the Tree Ordinance and the Tree Farm but those matters have been tabled.

#### Building Department:

Approved certificates that have been issued July to today has been completed with approximately 25 CCO's issued. Report on file in the Building Dept.

These meeting minutes have been approved by the Haworth Mayor and Council on December 12, 2023.

### **Councilwoman Davis:**

#### **Seniors:**

- Senior luncheon was held on November 17 with approximately 25 residents in attendance.

#### **Parks and Playground:**

- New playground equipment at Memorial Field is getting installed which includes inclusionary equipment for children ages 2 – 5. The essential install is scheduled for January. Councilwoman thanked Bonnie Borghi for her tireless coordination to making this happen, and a big thank you to DPW for preparing Haworth downtown for the holiday season.

### **Administrator's Report:**

- Tentative 2024 meeting dates have been distributed to all the Boards and Committees to review and we will collectively send notice for publication once they're confirmed. Our reorganization and Sine Die meeting has been scheduled for Sunday, January 14, 2024 at 12noon and 12:30pm respectively due to scheduling conflicts with the Mayor and Council.
- Residents have been calling all times of the day for missed garbage. It is recommended to communicate and post on the borough website for residents to leave out their garbage the evening before and update communication on the borough website to state that garbage and recyclables should be out no later than 6:00am.
- We are gathering information to compare the borough employees dental and possible vision coverage to ensure best coverage, cost efficiency and savings.
- Notary services have been offered free for Haworth residents. Unfortunately, the borough's bond does not cover for notary public services rendered that is not specifically part of borough business. It is recommended that residents are sent to Haworth Apothecary to have personal documents notarized.
- We are evaluating the County BOH services versus an animal contractor that presented at the BCMCA meeting.
- State Records Council was notified of damaged and destroyed records from a few years ago. We are meeting with vendors for remediation and updating current record keeping practices.

### **Mayor's Report:**

- Mayor Wasser thanked all the volunteer Fire and EMS Members, and everyone who participated and supported events around town. The Mayor also thanked the Police Dept. for providing security for the ceremony to remember those who were murdered and supporting the safe return of Israeli hostages.
- The 1<sup>st</sup> meeting in November was cancelled due to lack of quorum by Members of the Governing Body attending the League conference, and meeting with representatives from other municipalities and counties.
- Mayor Wasser hoped everyone enjoyed their Thanksgiving holiday.

### **UNFINISHED BUSINESS:**

#### **Ordinance 23-22: Amendment to Chapter 26 Land Use Regulations and Create Zone G – Massachusetts Ave (Adoption)**

**MOTION BY:** Councilman Rosenberg

**SECONDED:** Councilman Poosikian

The Mayor and Council of the Borough of Haworth conducted a public hearing on Ordinance No. 23-22 (appended in full in the minutes) on Tuesday, November 28, 2023 at 7:30 p.m. in the Borough Hall, 300 Haworth Avenue, Haworth, New Jersey. The Mayor and Council considered the adoption of this Ordinance which proposes to amend the zoning classification for a portion of Lot 1 in Block 1800 consisting of 2.387 acres. As presently zoned, Block 1800, Lot 1 comprises a land area of 8.34 acres and is located in Zone B/Watershed Recreation. The Ordinance would rezone 2.387 acres on the easterly portion of Lot 1 fronting on Massachusetts Avenue near Grant Street. This land area would be rezoned to Zone G, Residential/Multi-Family. The Ordinance would permit as principal uses, in addition to single-family dwellings, stacked townhouses, apartments, alternative living arrangements, age-restricted affordable units, and family affordable units, as well as accessory uses and structures.

The proposed zoning amendment is also detailed in the Borough of Haworth 2019 Housing Element and Fair Share Plan at pages 7 and 8. The Housing Element and Fair Share Plan proposes the construction of 35 total units, 14 of which will be affordable and 21 market-rate.

**ROLL CALL VOTE (Ayes):** Rosenberg, Poosikian, Siciliano, Davis

**MOTION APPROVED**

**Abstain:** Dilorgi

### **PUBLIC COMMENTS:**

Evelyn Stokvis, 25 Pine Street Inquired whether this development was for the entire parcel. Councilman Rosenberg replied no.

Scott Beardsley, 25 Beacon Street Asked when development would start. Councilman Rosenberg responded that the plans have not yet been received or reviewed by the Planning Board yet.

Scott Gladstein, 35 Grant Street Asked where the ingress and egress will be. Councilman Rosenberg responded that it will be located on Massachusetts Avenue.

Dumont Resident at 105 Harrison Street Asked if the gate and driveway of this development will be used by everyone and if there will be landscaping. Councilman Rosenberg replied that the gate will be used by emergency vehicles in case of emergencies and there will be landscaping.

Jack Stokvis, 25 Pine Street Stated that trees have already been marked for removal and requested that the borough consider earth tone colors for the development. Mr. Stokvis also requested for Council to consider how to improve the woods for people to enjoy and not lay down concrete walkways. Lastly, Mr. Stokvis asked for the

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borough to look in fire hazards regarding fallen trees. Mayor Wasser thanked Mr. Stokvis for his comments and his concerns will be considered.

Jason Harris, 226 Ivy Avenue – Asked what is being built on Terrace Street and how the development would affect the school population. Councilman Rosenberg responded that the Builders for Terrace Street have not submitted an application. They may be doing prep work but the Council do not know what they are building yet. The school population may increase a little base on development and families that may move in.

Closed public comments.

**NEW BUSINESS:**

**ORDINANCE 23-23: (ADOPTION) TO AMEND CHAPTER 5 OF THE CODE OF THE BOROUGH OF HAWORTH ENTITLED “ANIMAL CONTROL”**

**MOTION BY:** Councilwoman Dhamija

**SECONDED:** Councilman Poosikian

**BE IT ORDAINED** by the Mayor and Council of the Borough of Haworth as follows:

**Section 1.** Chapter 5 of the Code of the Borough of Haworth, Animal Control, Section 5-2, Dog Licenses, Subsection 5-2.6, Fees, be and is hereby amended to read as follows:

§ 5-2.6 Fees.

The person applying for a dog license shall pay the following fee:

**a. Neutered/Spayed Dogs.**

Borough License Fee	\$11.80
State Registration Fee per license	1.00
Pilot Clinic Fund	.20
	<b>\$13.00 Total</b>

**Neutered/Spayed Cats.**

Borough License Fee	<b>\$10.00</b>
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**b. Unneutered Dogs and Cats.**

Animal Population Control Program	\$3.00 Additional Fee
	<b>\$16.00 Total</b>

**c. Dangerous Dogs.**

NO CHANGE

**Section 2.** Chapter 5 of the Code of the Borough of Haworth, Animal Control, Section 5-16, Vaccination and Licensing, Subsection 5-16.9, Fees, be and is hereby amended to read as follows:

§ 5-16.9 Fees. A license shall be issued after payment of a fee of Ten (\$10.00) Dollars for each spayed/neutered cat and a fee of Sixteen (\$16.00) Dollars for each unneutered cat. The fee for the renewal of a license shall be the same as for the original. All licenses shall expire on January 31, of the year following the calendar year in which it was issued, regardless of the date upon which it was issued.

**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.

**ROLL CALL VOTE (Ayes):** Rosenberg, Poosikian, Siciliano, Davis, Dilorgi

**MOTION APPROVED**

**Model Local Unit Civil Rights** resolution (appended to minutes) to be reviewed and voted on at the next meeting.

Mayor Wasser communicated that a \$250,000 Bike Path Grant was awarded and this is a formal resolution to support the grant application to the New Jersey Department of Community Affairs for improvements to and construction of a new bike path within the Borough of Haworth.

**RESOLUTION 088:11'2023 NEW BIKE PATH WITHIN THE BOROUGH OF HAWORTH**

**MOTION BY:** Councilwoman Dhamija

**SECONDED:** Councilman Poosikian

**Whereas**, the Borough of Haworth desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$250,000 to carry out a project to upgrade and construct a bike path along Lake Shore Drive between Sunset Avenue and Maple Street.

**BE IT THEREFORE RESOLVED**, that the Borough of Haworth does hereby authorize the application for such a grant; and, recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Haworth and the New Jersey Department of Community Affairs.

**BE IT FURTHER RESOLVED**, that Borough Administrator or his/her designee is authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

**ROLL CALL VOTE (Ayes):** Rosenberg, Poosikian, Siciliano, Davis, Dilorgi

**MOTION APPROVED**

**RESOLUTION 089:11'2023 TO APPROVE ALCOHOL AND DRUG TESTING SERVICES WITH VALLEY HEALTH SYSTEMS, INC.**

**MOTION BY:** Councilwoman Dhamija

**SECONDED:** Councilman Poosikian

**WHEREAS** there exists a need in the Borough of Haworth Health Department to administer alcohol and drug testing in compliance with the New Jersey State Department of Health;

**WHEREAS** Valley Health Systems, Inc can provide duly qualified personnel and services to carry out these services; **NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Haworth to enter into an agreement with Valley Health System, Inc to provide alcohol and drug testing services to support workplace alcohol and drug testing programs and policies;

**BE IT FURTHER RESOLVED** in consideration of mutual promises, covenants, and Agreements per contract terms of the Agreement, this agreement shall be for a period of one (1) year commencing on January 1, 2024 and terminating on December 31, 2024.

**ROLL CALL VOTE (Ayes):** Rosenberg, Poosikian, Siciliano, Davis, Dilorgi

**MOTION APPROVED**

Councilwoman Siciliano requested to add a tree canopy grant resolution, and to have it under the Consent Agenda.

**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.

**RESOLUTION 090:11'2023 – Approval of Driveway Permit Deposit Refunds**

**MOTION BY:** Councilman Poosikian

**SECONDED:** Councilman Rosenberg

At this meeting of the Haworth Mayor and Council to approve refund of driveway permit deposits;

**WHEREAS**, the Department of Public Works Foreman has inspected and found that work has been satisfactorily completed on the following Driveway Permit,

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council that the following refund be made:

<b>Name and Address</b>	<b>Permit #</b>	<b>Amount</b>	<b>Location</b>
395 Maple St. Haworth, NJ 07641	1439	\$100.00	395 Maple St.
543 Sylvan Pl. Haworth, NJ 07641	1446	\$100.00	543 Sylvan Place
295 Franklin St. Haworth, NJ 07641	1476	\$100.00	295 Franklin Street

**ROLL CALL VOTE (Ayes):** Rosenberg, Poosikian, Siciliano, Davis, Dilorgi

**MOTION APPROVED**

**RESOLUTION 091:11'2023 – Approval of Alex Transportation, Inc DBA Alex Air Service Permit**

**MOTION BY:** Councilman Poosikian

**SECONDED:** Councilman Rosenberg

At this meeting of the Haworth Mayor and Council to approve the permit for Alex Transportation, Inc.

**WHEREAS** Alex Transportation, Inc DBA Alex Air Service has filed with the Borough Clerk providing his insurance policy, notarized POA, vehicle registration and license plate number,

**WHEREAS** Haworth Police Dept conducted an inspection and other necessary checks on the vehicle for safety and maintenance compliance,

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council that his permit be renewed.

**ROLL CALL VOTE (Ayes):** Rosenberg, Poosikian, Siciliano, Davis, Dilorgi

**MOTION APPROVED**

**RESOLUTION 092:11'2023 – Approval of Vendor Refunds for Haworth Day**

**MOTION BY:** Councilman Poosikian

**SECONDED:** Councilman Rosenberg

At this meeting of the Haworth Mayor and Council to refund vendors that were not able to participate on Haworth Day due to weather and multiple rescheduling of Haworth Day.

**WHEREAS**, the Recreation Commission requested refunds for vendors that did not participate on Haworth Day;

**WHEREAS**, at the time these vendors applied, Haworth Day was scheduled for Saturday, October 7, 2023. Because of inclement weather, Haworth Day was rescheduled for Saturday, October 28, 2023 and these vendors had other scheduled events on that day

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council that the following refunds be made:

<b><u>Name</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
Pixie Lane	14 Sunset Rd Demarest, NJ 07627	\$75.00
Happy Dogs, LLC	21 Lakeview Rd	\$75.00

Messy Fancy Funnels	48 Crosby Ave Paterson, NJ 07502	\$150.00
Sweet Sarah's Scents, LLC	89 10 <sup>th</sup> Ave Hawthorne, NJ 07506	\$75.00
Yoga Six Norwood	521 Livingston St Norwood, NJ 07648	\$50.00
<b>Total</b>		<b><u>\$425.00</u></b>

**ROLL CALL VOTE (Ayes):** Rosenberg, Poosikian, Siciliano, Davis, Dilorgi

**MOTION APPROVED**

**RESOLUTION 093:11'2023 2023 NJUCF STEWARDSHIP GRANT – CANOPY RESILIENCY**

**MOTION BY:** Councilwoman Siciliano

**SECONDED:** Councilman Poosikian

At this meeting of the Haworth Mayor and Council to approve the NJUCF Stewardship Grant – Canopy Resiliency application and execute the agreement.

**ROLL CALL VOTE (Ayes):** Rosenberg, Poosikian, Siciliano, Davis, Dilorgi

**MOTION APPROVED**

**RESOLUTION 094:11'2023 – Approval of Regular Meeting Minutes from 10/24/2023**

**MOTION BY:** Councilman Poosikian

**SECONDED:** Councilman Rosenberg

At this meeting of the Haworth Mayor and Council held on November 28, 2023 to approve the Regular Meeting Minutes of October 24, 2023.

**ROLL CALL VOTE (Ayes):** Rosenberg, Poosikian, Siciliano, Davis

**MOTION APPROVED**

**Abstain:** Dilorgi

**RESOLUTION 095:11'2023 – Approval of Closed Session Meeting from 10/24/2023**

**MOTION BY:** Councilman Poosikian

**SECONDED:** Councilman Rosenberg

At this meeting of the Haworth Mayor and Council held on November 28, 2023 to approve the Closed Session Meeting Minutes of October 24, 2023.

**ROLL CALL VOTE (Ayes):** Rosenberg, Poosikian, Siciliano, Davis

**MOTION APPROVED**

**Abstain:** Dilorgi

**RESOLUTION 096:11'2023: Approval of Bills and Claims**

**MOTION BY:** Councilman Poosikian

**SECONDED:** Councilman Rosenberg

At this meeting of the Haworth Mayor and Council held on November 28, 2023, to approve the bills and claims of which are appended.

**ROLL CALL VOTE (Ayes):** Rosenberg, Poosikian, Siciliano, Davis, Dilorgi

**MOTION APPROVED**

**PUBLIC COMMENTS:** None.

**CLOSED SESSION**

The Mayor and Council convened in Closed Session at 9:10 P.M. and reconvened in public session at 9:25 P.M.

**RESOLUTION: Closed Session Relating to Employment (Attorney-Client Privilege) – November 28, 2023**

**MOTION:** Councilwoman Dhamija

**SECONDED:** Councilwoman Dilorgi

At this meeting of the Haworth Mayor and Council held on November 28, 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, November 28, 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):** Rosenberg, Poosikian, Siciliano, Davis, Dilorgi

**MOTION APPROVED**

**OPEN FOR PUBLIC COMMENTS:** None.

**ADJOURNMENT**

**MOTION:** Councilman Rosenberg

**SECONDED:** Councilman Dhamija

Approved by all present to adjourn the meeting of the Mayor and Council of the Borough of Haworth at 9:25 P.M.

Respectfully Submitted,  
Jo Anna Myung  
Municipal Clerk/Borough Administrator

**(ADOPTION) 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 2<sup>nd</sup> 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 December 12, 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 December 12, 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.**

These meeting minutes have been approved by the Haworth Mayor and Council on December 12, 2023.

- 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.

## Model Local Unit Civil Rights

### A RESOLUTION TO AFFIRM THE BOROUGH OF HAWORTH'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

**WHEREAS**, it is the policy of the Borough of Haworth to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of Borough of Haworth has determined that certain procedures need to be established to accomplish this policy

**NOW, THEREFORE BE IT ADOPTED** by the Borough of Haworth that:

**Section 1:** No official, employee, appointee or volunteer of the Borough of Haworth by whatever title known, or any entity that is in any way a part of the Borough of Haworth shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Haworth's business or using the facilities or property of the Borough of Haworth.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Haworth to provide services that otherwise could be performed by the Borough of Haworth.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Council shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Council shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Haworth as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Council shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Council shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Haworth. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Haworth's web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Borough of Haworth in order for the public to be made aware of this policy and the Borough of Haworth's commitment to the implementation and enforcement of this policy.