

Regular meeting of the Haworth Planning Board on October 15, 2014, at the Municipal Center.

**PRESENT:** Thomas Ference, Chairman  
John DeRienzo, Mayor  
Andrew Rosenberg, Council Liaison  
Andrew Anderson  
Edmond Ezra, Public Official  
Leona Kosmac  
Joan Landesman

**ABSENT:** Alan Grossberg  
Nancy Minikes  
Bruce Steinthal  
Bernard Troy  
  
Mark Madaio, Board Attorney  
Joseph Vince on behalf of David Hals, Board Engineer

Dr. Ference called the meeting to order and upon roll call, the above members were present.

It was noted that Mr. Grossberg, Mrs. Minikes, Mr. Steinthal, and Mr. Troy were not able to attend this meeting because of other commitments.

### **ACCEPTANCE OF THE MINUTES**

The minutes of the July 2014 meeting were reviewed.

Ms. Kosmac moved to accept the minutes as presented, subject to the rights of absent members to correct statements directly attributed to them.

Seconded by Mrs. Landesman and unanimously carried.

### **CORRESPONDENCE**

- *New Jersey Planner*
- All other correspondence pertained to the application before the Board this evening.

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### **ZF HAWORTH REALTY APPLICATION**

Kristine Walsh appeared on behalf of ZF Haworth Realty.

In essence, the following transpired.

Ms. Walsh stated that the applicants were before the Board for a Minor Site Plan Application Approval and a public hearing for the change of use of the property at 149 Terrace Street. They want to go from what was previously a beauty salon to a café; and, they are also requesting a parking variance.

Ms. Walsh stated that a variance for the parking spaces was required; all other conditions are met, and there would be no exterior additions proposed.

Dr. Ference confirmed that a change of use would have to be approved and a parking variance was required.

Mr. Madaio reviewed the notices and said that they were in order. He stated that the Plan, which the Board required, was dated this date so they needed time to review the changes.

Mr. Madaio pointed out that Ms. Walsh was the attorney of note on the application; however, Mr. Zakim had reported at the informal meeting that he would be representing both parties.

Mr. Zakim stated that they were all from the same firm.

Victor Filletti, of T. F. Cusanelli Architects, appeared as an expert witness. He went over his education, background, and experience.

He was accepted by the Board.

Mr. Filletti stated that there would be no exterior alterations proposed with the exception of painting, siding, and a change of signage. He said he wasn't aware of the kind of sign which was being proposed.

Ms. Walsh said they would be repairing the existing sign.

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Mr. Madaio marked the following exhibits into evidence:

- A-1 - Duplicate of Plan which was already given to the Board
- A-2 - Second page of Plan showing the interior.

Mr. Filletti stated that the Plan had an error relating to the waiver so they eliminated it from the column. He explained that the second page showed the patron area, which consisted of 18 seats without table service, and there would also be a small office for the owner/operator

Mr. Filletti stated that 10 parking spaces would be required. There was off-site parking on Terrace Street and a Municipal Lot within 50 ft. of the entrance. He said there would be no alterations to the waivers being proposed.

Ms. Walsh said there wasn't going to be any testimony from an engineer.

Dr. Ference advised that they needed expert testimony from someone who knew about parking.

Mr. Filletti stated that the subject property was currently vacant so all of this would be an improvement.

Dr. Ference pointed out that in the Architectural Plan, a front entrance was shown. He asked about a rear entrance.

Mr. Filletti explained that the rear entrance would be for the proprietor and employees . The customer traffic would go through the front.

Dr. Ference asked for the record if they designed a toilet area in accordance with the American Disabilities Act.

Mr. Filletti said that it was.

Joseph Vince, a professional engineer, representing Schwanawede/Hall Engineering in Oakland, was sworn in. He went over his background.

Mr. Vince stated that he had reviewed the Plans and he had no concerns since there seemed to be ample parking in the area.

Mr. Anderson pointed out that there were currently two parking spaces.

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Mr. Vince stated that the lot would be re-striped, a new fence would be installed around the dumpster area, and they would have one handicapped spot as well as six regular parking spaces.

There was discussion about the width of the spaces, the number of handicapped spaces, and the access aisle.

Mr. Vince stated that the spaces would be 9 ft. wide and the handicapped space would be a van-accessible space. He said that one handicapped space was sufficient.

Mrs. Landesman asked what would be the advantage of a handicapped spot in the rear if the customers had to enter in the front.

Mr. Filletti stated that the rear was only for the owner and employees and the public would not be allowed to enter through the kitchen.

There was discussion about this and the Thai restaurant.

Dr. Ference stated that the rear entrance of the Thai restaurant was used for deliveries.

It was noted by Mr. Vince that there was the same property/land owner for both restaurants. It was further noted that both areas in the rear satisfied all requirements and calculations had been done for both restaurants.

Dr. Ference stated for the record that the description of the parking meets the requirements for both uses.

Ms. Kosmac asked if there was a step needed to get into the café or if it was on street level.

Ms. Walsh stated that it was at street level.

Councilman Rosenberg asked if they were planning to construct something for refuse for both restaurants.

Mr. Vince said that there would be something constructed.

Mr. Ezra asked if there was an existing venting system and grease trap.

Mr. Filletti said that they would have to be installed.

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Mr. Madaio stated it seemed that there would be a single dumpster area for both tenants. He asked if there would be an agreement through the landlord or whomever. He said that the Plan showed the dumpster at the same location and asked why there wasn't any concrete pad shown.

Mr. Filletti said they would be installing an asphalt pad in order to have cleanliness.

Dr. Ference asked if there would be exterior water available in the back near the dumpster area. He also asked if that would be an adequate facility to keep the area clean.

Mr. Filletti stated that there was water in the back and the area would be hosed down.

Mr. Vince recommended that 2 ft. be added to the van space because garbage might sit in the dumpster for a few days if no one came to get it.

Dr. Ference pointed out that there wasn't a Key Map showing the surrounding property owners and other uses and it was a requirement. He reminded everyone that they had to deal with the issue of signage.

Jack Zakim, owner of the subject property and managing partner, was sworn in.

Dr. Ference asked Mr. Zakim under which of his many hats would he be speaking to the Board.

Mr. Zakim said he was there as a witness.

Ms. Walsh stated that Mr. Zakim owned the property for six years and he was familiar with the parking area.

Exhibit A-3, a Google Map of the property, was marked into evidence.

Mr. Zakim stated that it was a photo which included parking for two other retail stores. He described the parking. He stated that there was street parking, a Municipal Parking lot, and there was parking for eight cars on the property. Mr. Zakim said that now there would be seven spaces including a handicapped spot. He said he was the managing partner and owned the entire building. Mr. Zakim said he had a discussion with the owners of the Thai restaurant regarding sharing the use of the dumpster. Also, the signage for the café would be on a new awning similar to that of the salon and Thai restaurant.

Dr. Ference said he was concerned that both restaurants would be using the same waste disposal. He asked if there was an agreement about how waste disposal would be followed. Dr. Ference said he wanted something tangible.

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Mr. Zakim said that both properties would have the same use and it remained to be seen as to how much trash would be generated before purchasing a larger dumpster. He said that the owners of the Thai restaurant said they feel it would be a positive use for the businesses.

Dr. Ference asked who would be responsible for the maintenance and carting and who would solve the problem if there was an issue with sanitation pick up,

Mr. Zakim responded that the restaurant owners would have the responsibility and would have to pool their resources. The sanitation people would have to go to the tenants and then go to him.

Dr. Ference said he would need a copy of the Lease Agreement.

Mr. Madaio pointed out that they were approving the site for only one dumpster.

Mr. Zakim stated that he did not know if the trash could be contained in this dumpster.

Mr. Madaio stated that there was going to be a single dumpster and it would have to work that way. He said it was currently on asphalt and every time the sanitation people came in, it would be scratched. Mr. Madaio asked if there was a reason that they were not asking for a concrete pad.

Mr. Filletti replied that asphalt was easily cleaned and hosed off and it would not rip. He asked if there was a reason that a waiver was necessary.

Mr. Zakim stated that he was in consultation on that issue and was not aware of the requirements relating to asphalt. He said that the dumpster would still be on wheels so he did not see a need for requiring a concrete pad.

Dr. Ference asked Mr. Zakim if he had any objections.

Mr. Zakim said he would be happy. He said they were in the process of receiving bids for repaving and it included a concrete pad.

Dr. Ference asked if there were any other shared facilities.

Mr. Zakim said there were shut-off valves for meters and both tenants would have access.

Dr. Ference pointed out that they had to think of things which might be problematic.

Mr. Anderson asked if there was a photo of the dumpster.

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There was discussion about the capacity.

Dr. Ference stated that there would be two active food services and would have twice as much trash as the tenant who was using it now.

Mrs. Landesman asked how they would recycle and Mr. Zakim replied that he did not know.

Mr. Madaio asked if everything would go into the fenced-in area, e.g., garbage, recycling, cardboard, drums of oil, etc.

Mr. Zakim said he did not know about recycling and he did not know what the tenants were doing right now since they were using a different carter. The tenant was using a carter two times per week and not using the Borough's carter.

Mayor DeRienzo asked if there was any recycling; also, what was the assurance that both tenants would be using the same dumpster.

Mr. Zakim stated that he spoke with them and they had a verbal agreement.

Mayor DeRienzo stated that it was a major concern.

Dr. Ference said they needed to see a more thorough waste plan. He said that the Borough does not want to have to adjudicate these issues.

Councilman Rosenberg said he wasn't delighted with the paving situation and would like to see a concrete pad to protect the investment - one which could be cleaned up better. Councilman Rosenberg said he wanted to see written specifications.

Mr. Madaio said he would like to stipulate a condition that they are fully fenced and all waste would go inside of that area. He said that they would all have to work it out or the approval will have been violated.

Dr. Ference said that the fence would have to be a 6 ft. white vinyl fence with a closure and it would have to be gated and locked.

Mr. Madaio said he thought the requirements for the Site Plan had been met but they had to have a trash area which was fully fenced and enclosed and that had to agree that nothing could be placed outside of that area.

Dr. Ference said that if their carter did recycling, it has to be mentioned. That is what it is going to take.

There was discussion about the hours of operation.

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Mr. Zakim said there were flood lights and lighting fixtures which needed to be replaced and they would have these new fixtures.

Todd Ledo, one of the owners, his wife, Ondina Ledo, and the other partner, Carlos Hernandez were sworn in.

Mr. Ledo described his background in business and his reasons for choosing Haworth for his café. He then described the cuisine and the different menus through the seasons. Mr. Ledo said their hours would be 7 a.m. to 6 p.m. during the week and 9 a.m. to 1 p.m. on Sunday for brunch; there would be 4 employees; there would be walk-in trade and gourmet pick-up. Mr. Ledo said that the only change would be the canvas on the awning.

A rendering of the proposed signage was marked into evidence as Exhibit A-4.

Dr. Ference asked if they would be doing deliveries.

Mr. Ledo said they would not but they would do catering. There wouldn't be any vans or business vehicles at this point.

Dr. Ference asked if they have had any conversations with the owners of the Thai restaurant.

Mr. Ledo said he did and they were going to get a better dumpster.

Mayor DeRienzo said that the concept of parking on the street would have a two-hour limit. He suggested that employees park in the municipal parking lot.

Mr. Ledo said he was excited about opening his beautiful café and the timetable, which would probably be some time in May, would depend on the inspection.

There was discussion on the work which needed to be completed.

Councilman Rosenberg pointed out that there was a single line for the gas. He asked if the tenants knew if there would be enough pressure for both restaurants.

Mrs. Ledo said they did not know.

Dr. Ference explained that after Storm Sandy, many people had to get generators and they should look into it. He said there were many questions relating to sharing which still had to be addressed.

Councilman Rosenberg said they needed an amended Site Plan showing lighting, including the back area.

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Ms. Kosmac asked if the café was going to be WiFi accessible and Mr. Ledo said they would be.

Ms. Kosmac pointed out that in that case, the flow and turnover of customers might not be as rapid.

Mr. Ledo said it would not be that kind of environment and people would not linger.

Mrs. Landesman asked if they were planning any outdoor seating.

Mr. Ledo said they would like to have it if it was permitted.

Councilman Rosenberg stated that they could have their architect include it in their Plan since there was a requirement based on the Plan of the building.

Mr. Ezra stated that the "no waitress services" policy was brilliant.

Mayor DeRienzo asked if there was any construction going on which needed permits.

Mr. Zakim said he did not know if anything was going on and he did not know that permits were required.

Mr. Zakim was told to make himself aware and get the required permits.

Dr. Ference opened the meeting to the public.

Jerry Growney, of 308 - 310 St. Nicholas Avenue and 160 Terrace Street, came forward. He congratulated the applicants and wished them success. Mr. Growney said the building has been vacant and there was an existing dumpster. He asked why there wouldn't be a concrete pad.

Mr. Madaio replied that if the Board votes in favor, that might be a condition.

Mr. Growney talked about the hours of operation and said it would mean a lot of traffic.

Dr. Ference stated that the intention was to "grab and go" or get a salad to eat. He said that it would probably have the same kind of activities as the Minit Mart.

Mr. Growney said they would be in violation by not having a loading dock. He asked if that was the way it was going to be.

Mr. Ledo stated that his vendors were going to make deliveries in the rear of the café; there would be a beverage delivery about every two weeks, and he would be going to pick up other food and items himself,

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Mayor DeRienzo stated for the record that all deliveries would be made in the rear and would be in the property line.

Mr. Madaio stated that the applicant was asking for a variance for 18 ft.

There was discussion.

Mr. Growney said he felt it would be a problem with the other owners.

There being no one else to come forward, Dr. Ference closed the meeting to questions from the public and he called for a brief recess.

Dr. Ference re-opened the meeting and asked the Board if they were ready to move.

Dr. Ference noted for the record that many items came up during the hearing. He said it seemed to him that the items which were discussed to perfect the application included:

- 2 users for the dumpster
- A fully fenced in and secured area for garbage and recyclables
- Confirm approval that the rear area will be used for delivery
- Need for a Key Map
- Concrete pad
- Confirm the appropriate utilities and whether they are they sufficient for two kitchens
- Owners' employee's parking in Terrace Street Parking Lot
- Install grease traps and get approval by Board Engineer
- Need a lighting plan, which will also include flood lights that are satisfactory to the Board Engineer
- A suggestion to have landscaping and some green area so that the enclosure would not stick out

Dr. Ference said that the Board was in a position to do a couple of things. The applicants want to have a use changed from a beauty parlor to a café, and that is a permitted use. He said that the Board had three options:

- They could have the application revised and come back to the Board with the items requested;
- The Board could approve the application conditionally; or
- The Board could deny it

Dr. Ference entertained a motion.

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Councilman Rosenberg said that before he voted, he would like to see a revised Plan.

Mr. Ezra agreed and said that it wouldn't hurt.

Dr. Ference said there wasn't any question that the Board wanted everything done.

Councilman Rosenberg moved that they Board be given a revised Site Plan addressing all concerns and that they summarize them on the Plan before a vote.

There wasn't any Second on the Motion.

Mr. Ezra then moved to approve the application conditional to the requirements being met and satisfactory.

Seconded by Mrs. Landesman.

Dr. Ference said that it would have to be reviewed next month.

Ms. Kosmac said that since there were so many questions and stipulations, she felt that everything should be reviewed to be sure that the applicants would be conforming and the Board would be satisfied.

Upon roll call, the roll went as follows: Yes - Mr. Ezra, Mrs. Landesman, Mr. Anderson, Ms. Kosmac, and Dr. Ference; No - Councilman Rosenberg; Abstain - Mayor DeRienzo. Motion carried.

Mr. Madaio said he would create a Resolution and share it with Ms. Walsh in advance.

### **MAYOR'S REPORT**

Mayor DeRienzo asked that they talk to Councilman Rosenberg when the Plans are received.

Mayor DeRienzo reported that there were ongoing matters which had to be coordinated.

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**COUNCIL REPORT**

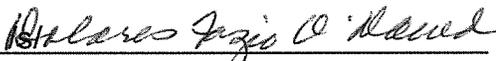
Councilman Rosenberg reported that they were moving forward and wanted to start looking at the Downtown Area again.

There was discussion.

Mr. Anderson made a motion to continue to move forward with the work on the Downtown Area.

Seconded by Mrs. Landesman and unanimously carried.

Respectfully submitted,

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Dolores Fazio O'Dowd

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Planning Board on November 19, 2014,  
at the Municipal Center.

**PRESENT:** Thomas Ference, Chairman  
Andrew Anderson  
Edmond Ezra, Public Official  
Leona Kosmac  
Joan Landesman  
Nancy Minikes

**ABSENT:** Alan Grossberg  
Bruce Steinthal  
Bernard Troy  
Andrew Rosenberg, Council Liaison  
John DeRienzo, Mayor  
  
Mark Madaio, Board Attorney  
Joseph Vince on behalf of David Hals, Board Engineer

Dr. Ference called the meeting to order and upon roll call, the above members were present.

It was noted that Mr. Grossberg, Mr. Steinthal, Mr. Troy, Councilman Rosenberg, and Mayor DeRienzo gave notice that would not be able to attend this meeting because of other commitments.

### **ACCEPTANCE OF THE MINUTES**

The minutes of the October 2014 meeting were reviewed.

Mr. Anderson asked that page 43, last sentence, be amended to read, "Mr. Anderson pointed out that there were currently two parking spaces on the North side of the road."

Ms. Kosmac moved to accept the minutes as amended subject to the rights of absent members for statements directly attributed to them.

Seconded by Mrs. Landesman and unanimously carried.

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## **CORRESPONDENCE**

- *New Jersey Planner*

## **MAYOR'S REPORT**

Since Mayor DeRienzo was not in attendance, a report was not available this evening.

## **COUNCIL REPORT**

Since Councilman Rosenberg was not in attendance, a report was not available this evening.

## **ZF REALTY MEMORIALIZING RESOLUTION**

Dr. Ference noted that the Board normally dispenses reading the Resolution but there had been a couple of amendments, so it will be read.

Emphasis was given to the amended paragraphs.

Paragraph K in the stipulations and conditions area was discussed. It was noted that it should say that "...the applicant shall provide as much lighting..."

Ms. Kosmac stated that the applicant said they would provide spot lights but it was not in the Resolution.

There was discussion.

Ms. Kosmac said that the applicant was also supposed to have low-level lighting for safety purposes.

Mr. Madaio will be asked to please reinforce that no work is to be started until all conditions are satisfied.

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Mr. Ezra moved to approve the Memorializing Resolution as amended.

Seconded by Mrs. Landesman and upon roll call, the members in attendance who were eligible voted as follows: Yes - Mr. Ezra, Mrs. Landesman, Mr. Anderson, Ms. Kosmac, and Dr. Ference; No - none. Motion carried. For resolution see Page 55B of permanent minutes.

### ADMINISTRATIVE

- Dr. Ference stated that the Board has gone a fair way and has done something challenging. He noted that they have worked on the Master Plan and Borough Ordinances and have essentially closed the gap. Dr. Ference said that there were lots of issues which could be argued, however, now there are no discrepancies between the Ordinances and Master Plan. Dr. Ference stated that the role of the Planning Board was to plan and not be a judiciary body.

Dr. Ference thanked everyone for their hard work. He stated that it has been a great year.

Mrs. Landesman stated that she felt the Planning Board has a great leader.

- Dr. Ference noted for the record that that he didn't think there would be a public meeting in December, however, there would still be a holiday gathering at his home at 8 p.m.

- Dr. Ference announced that Mr. Grossberg has resigned from the Board because he and his wife have moved to Florida.

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

Seconded by Ms. Kosmac and unanimously carried.

Respectfully submitted,

  
Dolores Fazio O'Dowd