

Special meeting of the Haworth
Planning Board on February 12, 2020,
at the Municipal Center.

PRESENT Bernard Troy, Chairman
Thomas Ference, Mayor
Andrew Rosenberg, Council Liaison
Andrew Anderson, Vice Chairman
Leona Kosmac, Secretary/Treasurer
Edmond Ezra, Public Official
Amy Albalah
Nancy Minikes

John D'Anton, Board Attorney
Joseph Vince, Board Engineer

ABSENT: Mark Kronfeld,
Tae Chang, First Alternate
Stephanie Metra, Second Alternate

Caroline Reiter, Board Planner

Mr. Troy called the meeting to order and upon roll call, the above members were present.

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

In essence, the following transpired.

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ACCEPTANCE OF THE MINUTES

January 2020 Reorganization Meeting

The minutes of the January 2020 Reorganization Meeting minutes were reviewed:

Mr. Anderson asked that page 3, second to last paragraph, be amended to read, "Mr. Ezra moved to reappoint the firm of Schwanewede/Hals Engineering..."

Mrs. Minikes moved to accept the minutes as amended, subject to the rights of absent members to correct statements directly attributed to them.

Seconded by Mr. Anderson and unanimously carried.

January 2020 Regular Meeting

- Mrs. Minikes asked that page 5 be amended to show that Mr. D'Anton was Present.

- Ms. Kosmac asked that page 7, last paragraph from the bottom be changed to say, "Ms. Kosmac said that she wanted to know who can enforce the rules for the signs hung on poles."

Mrs. Minikes moved to accept the minutes as amended and changed, subject to the rights of absent members to correct statements directly attributed to them.

Seconded by Ms. Kosmac and unanimously carried.

ADMINISTRATIVE

- Mr. D'Anton noted that there would not be a Planning Board meeting on the 19th since that one was changed to this evening.

He said that they expect to hear from the Planner in March.

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- Mr. D'Anton stated that he received correspondence relating to an application for a subdivision. The attorney asked if they could come in for an informal presentation at the March meeting. Mr. D'Anton suggested that the Board give them 5 or 10 minutes.

Ms. Kosmac asked if they could keep this presentation to 10 minutes.

- Mr. D'Anton reported that he has not heard anything from Suez but it was possible that they would be ready to make their new presentation. He said that if that is the case, the Board could do the Suez application or the Re-Examination.

COUNCIL REPORT

Councilman Rosenberg reported on the following:

Sign Ordinance

<*slightly inaudible*> The new Sign Ordinance has been incorporated and it will be coming back to the Board. There will be a request for escrow to be sure that those requesting permission will come down to the Borough Hall.

He explained that first there would be a request for the sign to be displayed, the sign will be delivered by the requestor to the Borough Hall, the approval will be in writing, and the writing could be by way of email. The sign will be taken down by the DPW and then discarded.

Ms. Kosmac asked about what would happen if there were simultaneous requests for two different events.

There was discussion on how this should be done and she said that they should verify who would be making the decisions. They felt that it would most likely be done by Mrs. Fay or Mrs. Celotto.

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LAKE SHORE DEVELOPERS APPLICATION (continued)

Mr. DelVecchio appeared on behalf of the applicant.

Mr. D'Anton noted that everyone in attendance was eligible to vote on this application.

He said that there were additional reports from Schwanewede/Hals and he wished to mark these exhibits into evidence:

- B-4 Letter dated February 3, 2020
- B-5 Map dated February 10, 2020 sent by Mr. D'Anton on behalf of Schwanewede.

Mr. D'Anton stated that since their last meeting, and in response to Mr. Vince's questions, new documentation was formulated.

Mr. DelVecchio wished to enter some Exhibits into evidence: <slightly inaudible>

- A-30 First marking – Preliminary and Final Site Plans – 15 to 20 sheets – last revised January 24, 2020.
- A-31 Fire Pumps and Drain Plan – last revised January 26, 2020
- A-32 Stonefield Engineering Drainage Map - 3 sheets – dated January 24, 2020
- A-33 Stonefield Engineering Summary Letter of Changes– dated January 24, 2020
- A-34 Architect's <inaudible>Plans – 11 sheets – revised thru January 21, 2020.
- A-35 Stonefield Engineering Exhibits – 7 sheets- February 3, 2020
- A-36 Stonefield Engineering <inaudible>Hydraulic – February 25, 2020
- A-37 Stonefield Engineering Final Response and Report in response to questions asked by Mr. Vince in his letter dated February 5, 2020.

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There was discussion between Counselors D'Anton and DeVecchio about the arrival of the last package that was sent to the Board.

Mr. DeVecchio stated that when they last appeared in November 2019, they had completed the "meat and potatoes" portion of the application and then went on to the technical questions. He quickly went over what was in the Exhibits and described the documents provided to the Board.

Mr. DeVecchio stated that this Board could render a decision – that their application complies with the Ordinance and they had a good engineering design.

Mr. DeVecchio called Mr. Olivo to testify again. He said that his firm was a large part of the technical testimony. He said that they did additional work on the project with the nuts and bolts of the Civil Engineering Drawings in order to address Mr. Vince's points. Mr. Olivo went over information in Exhibit 35. He said that there were a number of changes such as access points, garages, curb radii, etc. He said that he worked with Mr. Vince to make sure it worked properly.

Mr. Olivo talked about how they softened the height of the wall and the turn-around as well as the steepness of the grade. He also reviewed the detention systems for the appropriate amount of water underground and the flow rate of water, the parking, and other modifications throughout the site including the utilities, fire hydrants, water, sanitary sewers, landscaping plans, improved fencing, and deer fences. Mr. Olivo stated that they went over most of the lighting.

Mr. Olivo said that they tweaked the plans and this was a variance-free plan.

Mr. D'Anton said that in Mr. Vince's letter of February 3, 2020, he comments on items 16 thru 37. He referred to B-5 and said that some additional issues were identified and he would assume that the applicant's present position was that they would provide the information.

Mr. DeVecchio said that they would comply with<slightly inaudible> items A, B, C and 5 A, B, and C.

Mr. D'Anton confirmed that Mr. DeVecchio said they would comply. He said that in the February 10th letter, the applicant had agreed to supply attached documentation.

Mr. Troy asked Mr. Vince to go over the letter.

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Mr. Vince said he went over the comments from 31 to 37 and the applicant has taken care of the pond, the grading of the road, and alignment, except for a *di minimis* exception.. Mr. Vince said that the applicant has demonstrated that they can get the utilities in. He went over all the design comments and they have all been satisfactorily addressed.

Mr. Vince said that the technical comments in the letter from 38 thru 54 relate to construction sizes of the roof drain pipes coming out of the slope. He said that they still have to get a permit from the DEP as well as a DEP approval on the sewer. Mr. Vince said he did not believe that any other changes could be done <slightly inaudible> if the vote and permit should be issued. Further, there is no major change to the application.

Mr. DelVecchio said they would comply.

Mr. Vince said that as long as they comply with the technical comments, the comments in the letter dated, February 10, 2020, and comments 17 thru 20 are just recommending additional recommendations for approval.

Mr. DelVecchio stated on the record that he had previously stipulated to doing them.

Mr. Vince said that they would have to go back to the DEP for the detention systems and they would take another look at it. He noted that they would have to agree.

Mr. Troy said that the approval would be subsequent to one final review as long as they agree.

Mr. D'Anton said he was sure that they would agree.

Mr. Vince stated that he felt they were at a good point at that time.

Mr. Troy asked for additional questions from the Board.

Mrs. Minikes said that they had received a letter from the Haworth Environmental Commission.

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Mr. D'Anton advised that if one of the members from the Commission testifies to that letter, it would not be on the record.

Mrs. Minikes said that she did not understand the letter dated January 24, 2020 relating to the re-dedication of property.

Mr. DeVecchio said he thought there was a suggestion that an under-sized easement could provide to widen Roden Way. He said that the Settlement Agreement did not call for any further improvements. Also, they did not see any benefits to widen Roden Way. Mr. DeVecchio elaborated and then said that it could impact the language of the Agreement because of the layout.

Mr. D'Anton said there was a rite-of-way easement on the corner. He said that with the combination of the layout and the grading it would be expensive. He elaborated.

Mr. Vince said that there was an Ordinance relating to undersized easements. He said that Section of the Ordinance did not apply to this case, so he did not know if there was anything the Borough could do to make them dedicate the rite-of-way.

Since there were no other questions, Mr. Troy opened the meeting to the public for questions for this witness.

Mr. DeVecchio stated that at this point, he did not have additional testimony but he did have professionals in attendance to answer any questions. He said he would give his summary after the public portion.

Cynthia Soroka-Dunn came forward and was sworn in. She said she was the Chairperson of the Haworth Environmental Commission, and she wanted to read a letter from them.

Mr. D'Anton explained that she could tell the Board whatever she wanted but she could not give the opinion of other people because those people were not in attendance and they could not be cross-examined.

After a short discussion explaining how this had to be done, Mrs. Soroka-Dunn stated that she was speaking as an individual and private citizen as well as a member of the Commission.

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Mr. DelVecchio noted for the record that a corporate body needs to be represented by Counsel and she could not speak without representation.

Mr. D'Anton explained it to Mrs. Soroka-Dunn and she said she would speak as an individual. She said she was opposed to this project and she had documents as well as plans showing there were many species of birds on the subject property. Also, there were State regulations but none of this had been addressed. She said there was a New Jersey Act for protecting endangered birds. Mrs. Soroka-Dunn said that if they knew there were a certain number of these species in this area, they could not build there. She said she has seen Great-Horned Owls and the plans talk about other species.

Mrs. Soroka-Dunn stated that there also was a certain kind of smell going on along the railroad tracks which would affect that entire area of people. She then referred to comments made during the hearing by one of the people who said they would be killing mice and rats on the property. She said they should be notified when this would be done because if they were walking by the property with their animals, they might be harmed. Mrs. Soroka-Dunn also had concerns about the poison and run-off from the cars in the subject area running into the water and tributaries going into the reservoir.

Mr. Troy asked Mr. DelVecchio had questions for this witness, but he had none.

Mr. Troy asked for questions from the Board.

Mrs. Albalah referred to Mrs. Soroka-Dunn's statement that talked about an odor near the train tracks and its possible effect. She asked her where she got that information.

Mrs. Soroka-Dunn said it would be affecting people according to the Bergen County Utility Authority (hereafter, BCUA). She said that if they started unearthing the land, it might go into the site.

Mr. D'Anton said that the odor near the railroad tracks, about which she was concerned, should be corrected by the BCUA.

Mr. Troy asked Mr. DelVecchio about alleviating the problems.

Mr. DelVecchio said that in terms of treating the site for rodents, doing this is the State Law and it was nothing more, nothing less.

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He said that they had already looked into and contacted agencies to find out about species on the subject property and have also filled out the required permits. Mr. DeVecchio said that nothing on that land is protected and they have no reports that a determination would be made.

Mr. DeVecchio said that with reference to water treatment, Mr. Olivo had already addressed it. The Storm Water Act covers solids and water materials. He said that they were more worried about the water on those roads than the water on the property because they knew what protection they would have in place.

Mr. DeVecchio said that the BCUA would have to rectify the smell. He said the BCUA has been notified that this was a residential project.

Mr. Troy asked if there were any additional questions.

Mrs. Albalah talked about the Borough notifying the DEP and alerting a naturalist,

Mrs. Soroka-Dunn was asked if she had spoken with the Mayor and Council and she replied that she did not do it yet because she had only found out about some issues the day before.

There being no one else to come forward, Mr. Troy closed the meeting to the public.

Mr. DeVecchio gave his summation. It included a statement that they presented a project to this Board which complies with the Settlement Agreement. They also presented a Concept Plan Agreement which has been adopted. This would be an inclusionary project and aspect to Affordable Housing that needed to be satisfied. Mr. DeVecchio said there would be high-end town houses in which not only the market rates would be treated in moderation and in a delicate fashion but Affordable Housing would also be integrated. He said they got all of the Borough and DEP permits, presented witnesses to develop plans, and they complied.

Mr. DeVecchio stated that Mr. Vince was a very detailed and thorough professional. He said that he had a lot of requirements but they were done, and they complied with the Ordinance as well as the engineering standards.

Mr. DeVecchio said that at this point, they were asking for a favorable consideration that evening. He said that if it failed, they would appeal later this month.

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Mr. D'Anton asked Mr. DelVecchio to state what he was asking for approval.

Mr. DelVecchio stated that they were asking for Preliminary and Final Site Plan approval. He said that they had demonstrated standards of compliance with both engineers. He reiterated that they would appeal it at a Fairness Hearing.

Mr. D'Anton asked him if he had any thoughts.

Mr. DelVecchio said that the Agreement was accepted by the Borough and the Court. He said that this application would be unique to Haworth because it was a multiple development. Mr. DelVecchio said that the Planning Board has been thorough, that their engineer reviewed details many times and his role was expanded,

Mr. D'Anton commented that in ten years, no one will remember anyone on the Board but they would remember this application. He said that there had been a very thorough review and if the Board decides to approve this application, it should be remembered that they have had two engineering groups working on this project. He pointed out that Mr. Vince was the engineer who is so familiar with it.

Mr. D'Anton said that based upon the evidence he has seen and the applicant's presentation, it was his opinion that the Board should, in fact, approve the application.

Mrs. Albalah said that she felt in terms of the environment, they have heard all testimony.

Mr. D'Anton stated that some of those issues would be addressed by the BCUA and the Soil Conservation people; and the Borough would monitor the demolition. He said he did not recommend escrow.

There was discussion.

Mr. Vince explained the procedure and said that they should be posting \$5,000 in escrow.

Mr. Anderson asked Mr. Olivo about correspondence with the DEP and he responded that they had filed an application and it has been ongoing. He said they were not aware of any protected areas on the site.

