

Regular meeting of the Haworth Planning Board on April 17, 2019, at the Municipal Center.

PRESENT Bernard Troy, Chairman
Thomas Ference, Mayor
Andrew Rosenberg, Council Liaison
Andrew Anderson, Vice Chairman
Amy Albalah
Edmond Ezra, Public Official
Leona Kosmac, Secretary/Treasurer
Nancy Minikes
Dennis Posen
Tae Chang, Alternate
Mark Kronfeld, Alternate

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

ABSENT:

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.

ACCEPTANCE OF THE MINUTES

The minutes of the January 2019 Reorganization and Regular meetings were reviewed.

Reorganization Meeting

Mrs. Minikes moved to accept the minutes as presented.

Seconded by Mr. Posen and unanimously carried.

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Regular Meeting

Mr. Anderson moved to accept the minutes as presented.

Seconded by Ms. Kosmac and unanimously carried.

CORRESPONDENCE

- Letter relating to the Deed for the Bray property at 48 Schraalenburgh Road.
- *New Jersey Planner*
Distributed to the Board.
- Memo relating to Critical Environmental Areas
- Memorandum from D'Anton relating to the Affordable Housing Agreement

CLOSED SESSION

Mr. Troy entertained a motion to go into Closed Session to discuss a matter in litigation.

Mr. Ezra so moved.

Seconded by Mr. Posen and upon roll call, the vote went as follows: Yes- Mr. Ezra, Mr. Posen, Mr. Anderson, Ms. Kosmac, Mrs. Minikes, Mrs. Albalah, Mr. Chang, Mr. Kronfeld, Councilman Rosenberg, Mayor Ference, and Mr. Troy; No - none. Motion carried.

Upon completion of the discussion, Mr. Troy entertained a motion to go out of Closed Session and into Open Session.

Mrs. Minikes so moved.

Seconded by Mr. Posen and upon roll call, the vote went as follows: Yes- Mrs. Minikes, Mr. Posen, Mr. Anderson, Mr. Ezra, Ms. Kosmac, Mrs. Minikes, Mrs. Albalah, Mr. Chang, Mr. Kronfeld, Councilman Rosenberg, Mayor Ference, and Mr. Troy; No - none. Motion carried.

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Mr. Troy entertained a motion to approve the Fair Share Housing Agreement subject to the understanding that the blanks in the plans being filled in by Fair Share Housing associates as appropriate and as discussed.

So moved by Mr. Ezra.

Seconded by Mr. Anderson and upon roll call, the vote went as follows: Yes - Mr. Ezra, Mr. Anderson, Mrs. Albalah, Ms. Kosmac, Mrs. Minikes, Mr. Posen, Councilman Rosenberg, Mayor Ference, and Mr. Troy; No - none. Motion carried.

The agreement will be prepared for the Chairman to sign.

Mr. Troy called for a short break.

Mr. Troy reopened the meeting.

342 WHITMAN, LLC APPLICATION FOR A SUB-DIVISION

Matthew Capizzi, with offices in Tenafly, New Jersey, appeared on behalf of the applicant.

Mr. D'Anton noted that the notice of publication was correct.

Mr. Capizzi stated that the applicant sought to resurrect a lot line on Pleasant and Whitman Streets. One front was on Pleasant and the other on Whitman Street and they wished to resurrect the creation of a driveway on Pleasant or Prospect Street. Mr. Capizzi said that they were providing conceptual, architectural plans.

A Minor Subdivision map by Azzolina & Feury Engineering dated 10/27/17 and revised on 3/12/19, was marked as Exhibit A-1

Mr. Perry Frenzel, of 30 Madison Avenue in Paramus, New Jersey, was presented as an expert in civil engineering. He went over his education, background, and experience and stated that his licenses were up to date.

Mr. D'Anton told the Board that they may consider Mr. Frenzel as an expert in civil engineering, and he was accepted by the Board.

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Mr. Frenzel reviewed the Plan, went over the subject area and the surrounding area. He noted that that the Department of Environmental Protection (hereinafter, DEP) made a determination on 5/16/18 that the Riparian buffer had been disturbed. Therefore, it was not subject to wetlands' restrictions and the drawings had been revised. The Drawing, which was based on the DEP Determination, was marked as Exhibit A-2.

Mr. Frenzel described the property and talked about the subdivision in 1948, then the lot being perfected in 1950 and consolidated into one overall lot of 12,927 sq. ft. He said there was a non-conforming front yard of 109.72 ft. along Prospect Street and would become 120.08 ft.; all set-backs, impervious coverage and building coverage would be conforming; and, the drainage plan would not spoil vegetation.

There was discussion about how many trees would actually be removed since only one was marked on the Plan.

Mr. Frenzel confirmed that it would be only one and the Sycamore would remain. When Mr. D'Anton asked if all plants would stay unless there was a notation on the Plan, both Mr. Frenzel and Mr. Capizzi said they would.

Mr. D'Anton told the applicant that it had to be shown in detail since there could be confusion. He explained. There was discussion about whether one marked area was a tree or a fence and the engineer said that it was a fence.

Mr. D'Anton requested that there be an attachment to the Plan explaining the markings. Further, the engineer was asked that the trees, fences, etc. coming out be marked as, "to be removed."

Mr. Posen referred to Item 7 in Schwanewede Engineering's letter. He said it appeared that some trees would need to be removed in order to grade the property.

Mr. Vince pointed out that the Plan did not show grading.

There was a question about the footprint on Lot 2102 and Mr. Frenzel said that it was not the dwelling footprint; it was the maximum building envelope.

Mayor Ference asked about the footprint of the house which had been removed, however, the engineer did not have a definitive answer. He also asked for a rough size of the houses within the radius of that house. Mr. Frenzel stated that the applicant was just acting to create the two lots and subdivision.

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Mr. Capizzi said that the Board might want certain conditions. He said they would need variances on both lots and as far as the variances being relative to the lots, it would be part of the Site Plan consideration. Mr. Capizzi stated that the footprint would not change by virtue of creating the lot line. He said that the impervious coverage is well under the requirement, and other homes were roughly those sizes. He said they were conditioning the subdivision subject to what was shown on the Plan and they were agreeable to such limitations.

Mayor Ference pointed out that the applicant would have to come back before the Planning Board.

Mr. D'Anton said he needed know the maximum size which could be build on that lot.

Mr. Capizzi responded that it might not be this exact design but the developer would not develop outside those limits. He said they were agreeable to staying within those thresholds.

Reference was made to Schwanewede Engineering's letter of April 15, 2019.

Mr. D'Anton asked Mr. Capizzi if the applicant agreed that they would comply with the conditions including the Deed and Mr. Capizzi replied that they would.

Mr. Frenzel stated that they had presented the application to the DEP and they have not called out any specific issues.

Mr. Vince said that if there was no flood area on site, then no formal application would be required. He explained that there was a portion of flood area on the property and they would have to get a permit because of the Riparian Zone. Mr. Vince said, however, that he would not have that paragraph hold up this application and he would weigh in to making a decision. Mr. Vince stated that the flood line should be part of that map.

Mr. Troy opened the meeting to the public.

Bruce Steinthal, of 366 Whitman Street, asked about the tree which would be removed and wanted to know if it was dead and, if it was not dead, why was it being removed.

Mr. Frenzel explained that it would only be removed if it was dead and the chain link fence would definitely be removed.

There being no other members of the public to come forward, Mr. Troy closed the meeting to the public.

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Mr. Troy called for a short break.

Steve Lydon, of 25 Westwood Avenue, Westwood, New Jersey, was presented as an expert planner.

Mr. D'Anton told the Board that they may consider Mr. Lydon's testimony as that of a Planner and the Board accepted Mr. Lydon as an expert.

Mr. Lydon stated that he has been working with the applicant, he had looked at the architect's plans, he reviewed the relative portion of the Zoning Ordinances and the Master Plan, he visited the site four times, and has heard all testimony given so far. Mr. Lydon described the neighborhood and said that the subject property was unique - it was the largest lot in that area and fronted on three different streets. He said it was not the typical lot and it had been re-graded and disturbed.

Mr. Lydon handed out (1) 8 photos of the subject site going from East to West; and, (2) An aerial view showing surrounding properties, the subject property and all dwellings. This was marked as Exhibit A-3.

Mr. Lydon described the properties and reiterated that the subject property was unique in size; he pointed out that it had a large frontage, it was vacant and it was subdivided at one time. Mr. Lydon said they were seeking 2 variances from the required Zone A standards; all of the coverage requirements were what the lot was allowed to have; the setbacks were greater than required; and, light and open space would be provided.

Mr. Troy noted that they did not know the actual dimensions of the dwellings.

Mr. Capizzi stated that they would be equal to what was shown or less and they would be willing to accept the bulk. He said that he was applying for a subdivision with variances to widen the lot area and it would be in keeping in what was on the table this evening. He explained.

Councilman Rosenberg asked if the driveways would continue to face the street that they had faced.

Mr. Lydon presented an Exhibit of Lot Area and Lot Size of the surrounding area and it was marked as Exhibit A-4. He said that 33 lots were examined, which have complied in lot area. All others were less than 15,000 sq. ft. - they were 10,000 and 12,000 sq. ft.

There were questions and discussion about why only those homes were chosen and not the larger lots. Mr. Lydon explained that they were in the immediate surrounding area and it was a judgment call.

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Mr. D'Anton commented that it seemed as though the planner had a methodology because they were all on the 200 ft. list and would be impacted.

There was discussion.

There were comments and concerns about the traffic and the traffic patterns in that area.

Mr. Lydon presented a Lot Width Exhibit and it was marked as Exhibit A-5. He stated that the proposed lots were not conforming. He said that they agreed to build the dwellings as shown but someone could want to build a much larger dwelling, which would be out of character in that area. He said that the proposed subdivision would achieve the goal.

Mr. Lydon went over the history of Haworth over the last 50 years and talked about how the population had dropped. He elaborated and went over other similar facts. Mr. Lydon then noted that there were no driveways on Prospect Street.

There was discussion about whether the variances would be classified as C1 or C2 and Mr. Capizzi said that it was a C2.

Messrs. Capizzi and Frenzel stated that the property would be consistent with the surrounding properties.

Mr. Lydon went over the square footage for the surrounding homes. He said that development of those lots within the last 10 years were generally for smaller houses on larger lots.

Mr. Posen asked about the Planner's lot-size methodology.

Mr. D'Anton asked them to provide a list of how many dwellings were bigger and smaller at the next hearing for the Board to use in making their decision.

Mr. Posen asked for the applicant's comments on a C2 variance.

Mr. Lydon stated that this was a 25,000 sq. ft. lot subdivided in back in the 1940s and 1950s into two lots of 12,000+ sq. ft. each, which increased the consistency. He said that the design of the existing property was flawed. Mr. Lydon explained that the vacant lots could be merged. The lots were facing two different directions with many intersections and corner lots. These lots are modest-sized lots and fit in very well with the houses next door and were consistent with the surrounding properties.

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Mr. D'Anton explained that the Board still had other business to discuss this evening and asked to carry the hearing forward.

Mr. Capizzi explained the Mr. Romano, the applicant, was a Haworth resident and filed this application in October 2018, but they could not get time before the Board. He pointed out that the Board should have rendered a decision within 120 days.

There was discussion.

Mr. Troy explained that the Board had certain issues which have needed and continue the need to be addressed. He said he certainly thought they could hear this application next month.

Mr. Troy asked Mr. Capizzi if he would give consent to carry the application without notice until next month.

There was discussion and it was decided to have an additional meeting in May so that this case could be heard.

Mr. Troy entertained a motion to schedule the 342 Whitman, LLC application for May 2, 2019 if the Council Chamber is available.

Mr. Posen so moved.

Seconded by Mr. Ezra and upon roll call, the vote went as follows: Yes - Mr. Posen, Mr. Ezra, Mr. Anderson, Mr. Kronfeld, Mrs. Albalah, Councilman Rosenberg, Mayor Ference, and Mr. Troy; No - Mrs. Kosmac and Mrs. Minikes. Motion carried.

It was noted that Mr. Chang had recused himself because he is a resident within the 200-ft. area.

Mrs. O'Dowd will ask Mrs. Fay to inform Mr. Troy if May 2nd is available.

MASTER PLAN

Mr. D'Anton stated that the Fair Share Housing associates were reviewing the Master Plan Amendment. Mrs. Reiter will have something for the Board to review and they will be able to make a decision at the meeting on May 15th.

There was discussion about how much time they would need.

