

Regular meeting of the Haworth  
Planning Board on August 21, 2019, 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  
Dennis Posen  
Mark Kronfeld, Alternate

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

**ABSENT:** Tae Chang, Alternate

Mr. Troy called the meeting to order and upon roll call, the above members were present. Mayor Ference arrived a short time later.

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**

Mr. Troy asked that page 37, fifth paragraph, 1st line be amended to say, "An Amendment to the Master Plan to incorporate..."

Also, Mr. Troy asked that page 39, 14<sup>th</sup> paragraph, 2<sup>nd</sup> sentence be amended to say, "He entertained a motion to approve the proposed Resolution for adopting the Amendment to the Land Use Element of the Master Plan.

Mr. D'Anton asked that page 39, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line be amended to say, "Bergen County Soil Conservation"

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Mr. Ezra moved to accept the minutes as amended, subject to the rights of absent members for statements directly attributed to them.

Seconded by Mrs. Minikes.

Councilman Rosenberg abstained.

Upon voice vote, it was unanimously carried:

### **CORRESPONDENCE**

- Affidavits from two members of the Board, Mrs. Albalah and Councilman Rosenberg, attesting to having listened to the tape of the July 2019 meeting.

It was noted that these members were now eligible to vote.

### **SUEZ WATER COMPANY SITE PLAN REVIEW**

The following Exhibits were marked into evidence:

- B-3 Memo dated 8/19/19 from Mr. Vice, of Schwanewede Engineering, with comments relating to the Site Plan
- A-8 Soil Movement Application

For the record, Ms. DeScherer noted that this application indicated that they were importing 888 cubic yards of soil. She said that the Soil Movement Application was in order.

- A-9 Memo date 8/7/19 from Ms. Louloudis, of Boswell Engineering, with comments in response to Schwanewede Engineering's letter and the Revised Plan, as noted below.

It was noted that they submitted a revised Plan on 8/7/19, and they wished to include that as part of Exhibit A-9.

Upon questioning by Mr. D'Anton, Ms. DeScherer stated that Boswell Engineering had responded to Mr. Vince's comments from his review.

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- A-10 Memo with revised comments and approved changes to the Plan.

It was noted that the last revision date was 8/7/19.

Mr. D'Anton noted that the applicant had advised the Board that Ms. Louloudis, the expert from Boswell Engineering, was going to be in Greece and another representative would identify the Plan.

Ms. DeScherer stated that Jeffrey Morris, a Professional Engineer from Boswell Engineering, was there in her place.

Dejan Pandza, a Professional Engineer and Senior Project Engineer at Suez Water Company, said that he reviewed the Plans and they were revised at his direction. He said he was familiar with the Soil Removal Application as well. Mr. Pandza went over Exhibit B-3 and said he was fine with the technical comments. However, one item required some testimony. He referred to Mr. Vince's memo dated 8/19/19, number 8, and read it into the record.

Mr. Pandza said that a 6% slope was acceptable for operation and he explained how it would work. He said that there was nothing wrong with 3%.

Mr. D'Anton stated that 3% was more gradual. He asked what obstruction would prevent having 3%.

Mr. Pandza talked about the existing detention pond and the electrical wiring.

Mr. Vince went over his comments and explained how it would not reach if it was greater than 3%.

Mr. Pandza said that they felt it would work; however, Mr. Vince explained that they needed to be careful because the top of the dock would hit the building.

Mr. Pandza explained how it would be and Mr. Vince responded that it would be all right as long as they had provisions for it as well as their testimony.

Mr. Ezra asked if there would always be trailers or straight trucks, such box trucks, and Mr. Pandza responded that there would be.

Ms. DeScherer stated that the applicant had taken the engineer's comments to heart and the list of comments were in with the technical comments.

It was noted that there were several items where the letter called for testimony.

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Mr. Morris said he spoke with Mr. Vince regarding the technical comments.

Mr. D'Anton stated that Mr. Morris could answer some of the questions, and for the Board members who were not there, he could go through it.

There was discussion about which items should be discussed.

Ms. Kosmac asked about #8 and 10.

Mr. Pandza stated #10 was correct. He said that #8 had to do with needing to have spare parts available 24 hours per day, and right now they did not have a location for storage. Mr. Pandza said this would allow them to have one centralized--storage area. Mr. Pandza went over some of the materials which would be stored in the warehouse. He said they had confirmed that there would not be any chemicals stored in that building.

It was noted that the memo from Schwanewede stated that the applicant should provide testimony relating to employees' access to the warehouse since some would not be staying very long and others might be spending some extra time there.

There was discussion about an increase in parking for the site. Mr. Pandza said that 3 spaces at the new building would be adequate since the employees would just load up their trucks and leave. Further, with regard to #15, he felt there would be enough electricity for the building.

Mr. Pandza said that the frequency of delivery trucks was small. He gave examples.

*Mrs. Reiter arrived.*

Mr. Pandza said that they would have cameras and card readers at that site. Ms. DeScherer commented that they already had very good security.

In response to Mrs. Albalah's question about repairs and storage of motors, Mr. Pandza said that repairs would be done at the warehouse. Additionally, they would take new, out-of-use, and old motors, and store them in there. Mr. Pandza stated that the majority would be new motors and if they had a failure, they might have to be put them in a building to use as back up.

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Mr. Pandza said that if there were any sort of leaks, it would be up to the maintenance staff to handle them. He said they followed the Environmental Guidelines with regular inspections, and any chemicals and fluids coming out would be confined.

Mr. Troy noted that any approval of the application would be subject to the conditions of #17, 18, and 19 as well.

Ms. DeScherer said that it had been noted in the letter of 8/7/19.

There was discussion and Ms. DeScherer stated that testimony had been given on #17, 19 and 20 at the last meeting.

Mr. Vince pointed out that #22 had not been reviewed because the applicant's letter was based on Plans he received. He said that he was, however, comfortable. He then said that #23, 24, 25, and 26 were technical grading issues and some were drawn wrong. Mr. Vince talked about #27 and the existing 12-inch pipe - he said they needed to address the slopes.

Mr. Vince said that they also needed to address the construction timing; #29 had details which had to be updated and needed to be revised; and, #30 had a technical item which needed to be addressed.

Mr. D'Anton said that if the Board decided to approve the Plans submitted, they would have to deal with all revisions.

Ms. DeScherer responded that Mr. Morris would review the Plans.

Mr. Vince said he thought that only the technical comments would have anything to change. The drainage system would get larger; the size of the underground system might get larger; and they needed something to treat the quality of the water. He said they would have to somewhat change the Site Plan but it would not be a major change.

Mr. Troy opened the meeting to the public for questions.

There being no one to come forward, the meeting was closed to the public for questions.

Rodney Watkins, Sr. Project Manager, AIA, at DiCara Rubino, in Wayne, New Jersey, went over his education, background, experience and licenses, which were in good standing. He said he would be acting as an expert Architect and not a Planner.

Mr. D'Anton advised the Board that they could accept Mr. Watkins as an expert Architect.

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The following Exhibit was marked into evidence.

- A-11 Architectural Floor Plan dated 6/14/19.

It was noted that the Elevation Exhibit was marked into evidence as Exhibit A-3 at the last meeting.

Mr. Watkins said the Floor Plan was 100 x 60 ft, and included a mezzanine area. He described the area as having a large overhead 20x20 ft. entrance door facing the driveway and two other doors, and the office area was 12 X 19.5 ft. with the mezzanine area above and a small stair case. Mr. Watkins said that the other section was at the top right and it showed the space at the highest part of the ceiling, which was 33.3 ft. He said that the loading dock was the length of the front elevation showing a 10 x 12 ft. area and a coiling door. There would be sprinklers in the building; it would have a masonry interior, block walls and there would be tiles outside. Mr. Watkins said that the interior would have an open plan and the office, which would be the only area to have air conditioning, would be located under the mezzanine level. He said that all other areas would only be heated.

Mr. Watkins referred to Exhibit A-3, the Elevation, the view from the street, and 20 x 20 ft. coiling door. He said the exterior would have a metal roof in a curve and barrel design and a masonry base; the windows would be up high and operational and the loading dock with coiling door could be viewed; there would be a concrete floor; the main entrance would be on the opposite side; and, there would be a depression for a truck to back in.

There weren't any questions from the Board.

The meeting was open to the public for questions for this expert.

No one came forward and the meeting was closed for questions from the public.

There was discussion among the Board members about the testimony relating to the building. They talked about the height and if it only went to 18 ft., there could be no mezzanine.

Ms. DeScherer said that they reduced the footprint of the building so they would not go into Wetlands.

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Michael Kauker, a Professional Planner from Wyckoff, New Jersey, went over his education, background, experience and licenses, which were in good standing.

Mr. D'Anton advised the Board that they could accept Mr. Kauker as an expert Planner.

Mr. Kauker stated that he visited the site, reviewed the Plans, looked and the Borough's Master Plan and Zoning Ordinances. He said the applicant needed waivers and variances and were proposing to construct a 6,000 sq. ft. building with drainage lines, and ancillary parking spaces at the new building of the water facility. Mr. Kauker said that this storage building would be an integrated part of the facility and it would be considered of value to the community because of the public good.

Mr. Kauker said they were requesting 2 variances - a C - Bulk Variance under Municipal Law; and a C-1 or 2. He went over the criteria. They were asking for 3 C variances for front yard set backs and the guard house. He said that the others would be for creating a total impervious coverage - 14.6% now exists and is allowed, and they were proposing 14.75%, which he said, was minor. Mr. Kauker said it was mitigated because it would be located at the interior portion of the site in a wooded area; it would be 950 ft from Lake Shore Drive, and public streets. He described the surrounding area and buildings. Mr. Kauker then said that the storm water runoff would be accommodated; the building height was 33.3 ft. and the maximum for an accessory structure was 18 ft. They tried to reduce the height as much as possible but they reduced the foot print so the building went higher. He said that height was needed to provide a mezzanine area and proper clearance for fork lifts and other equipment. Mr. Kauker said that the other buildings in the complex are the Ozone Building at 42 ft. and the Administrative Building at 35 ft. He stated that the location of the building mitigates the impact. Mr. Kauker submitted that the variance was justified as a C-2 because the benefits outweigh the detriment. He pointed out that it would allow Suez to consolidate their storage into one area; and, it would be more efficient so that they could better serve customers. He stated they created a smaller footprint so that it would not hurt the Wetlands.

Mr. Kauker went over the negative criteria and said that there would be no disturbance to the surrounding houses; the location of the building was far from any street; it was buffered by a heavily-wooded area, there would be no increase in employee traffic; and, there would be no impairment to the Zoning Ordinance. Mr. Kauker said he believed that the applicant meets the burden of proof and the negative does not outweigh the positive.

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Ms. DeScherer referred to Exhibit B-1 and said that all comments had been addressed. She said there had been one question and testimony had been given.

Mr. Troy stated that it was up to the Board to determine if the negative and positive criteria had been addressed and met.

Mrs. Reiter stated that she felt everything had been addressed. She said that it was her opinion that a C-2 variance should not be granted - it should be a better option than what the Zoning Ordinance permitted. Mrs. Reiter said it would be better for the Borough.

Mr. D'Anton stated that he felt it should be under a C-2 variance because it was a public utility and better for the operation of the utility company.

Mrs. Reiter responded that the testimony was clear and the questions were answered by the other experts.

Mr. Troy asked for questions from the Board.

Mr. Anderson had questions about the impervious coverage, whether they could locate the building somewhere else on the site, and, if they could make the driveway smaller.

Mr. Kauker said he did not know; and Ms. DeScherer stated that there was no other area and the building could not be repositioned. She said that the applicant looked far and wide to reduce or change it. Ms. DeScherer further stated that in this area, there were no trees to cut. Ms. DeScherer stated that this was the best way.

Mr. Pandza said he did not believe that they could have reduced the footprint or located the building anywhere else.

Mrs. Albalah asked how the surrounding area would be affected when they were doing the construction of the building.

Mr. D'Anton responded that it would be up to the Mayor and Borough Engineer to discuss.

Mayor Ference stated that there would be a pre-construction meeting and a construction committee, and the questions about what might be disturbed would be one of the questions asked.

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Ms. DeScherer said there would be no further witnesses. She thanked the Board for their time and said that the applicant had reviewed all of their comments and was delighted to address them. Ms. DeScherer stated that they had showed that they have taken efforts to address impervious coverage and they felt that the building was necessary for the operation of this public utility.

Mr. Troy thanked Ms. DeScherer. He said that a lot of conditions were set forth and he wanted to ask Counsel about the Board moving for a variance without limiting all of the terms and conditions that were made.

Mr. D'Anton stated that they needed several permits with this application. He said they would have to consider all comments and go through the minutes and other materials.

Mr. D'Anton said they would have to consider entertaining a motion for purposes of adoption. The minutes, letters from the planners and engineers needed to be reviewed and included. He said that they had to demonstrate enough criteria for a C-2 variance. Mr. D'Anton explained that this was like a big tool shed on a big piece of property and they were professionals ready for a building permit. He said it would all be monitored by the Borough.

Mr. Troy said he felt the positive and negative criteria were met.

Mr. Ezra asked if the employee in the warehouse would be full or part-time and if the building would be climate controlled for his comfort.

Mr. D'Anton stated that the office would have air conditioning but not the rest of the warehouse.

Mr. Ezra made a motion to approve the application, which should be subject to all conditions that Counsels went over, to whatever was covered in the minutes, as well as any and all documents, stipulations, and testimony.

Seconded by Mr. Posen.

Mayor Ference and Mr. Kronfeld were not eligible to vote since they were absent at the July 2019 meeting.

Upon roll call, the vote went as follows: Yes - Mr. Ezra, Mr. Posen, Mrs. Albalah, Ms. Kosmac, Mrs. Minikes, Councilman Rosenberg, and Mr. Troy; No - Mr. Anderson. Motion carried.

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Mr. Troy noted that Mr. D'Anton would prepare the Resolution.

### **ADMINISTRATIVE**

Mr. Troy stated that the next meeting of the Planning Board would be held on September 18<sup>th</sup>. He said that as of now, they would be discussing the Housing Element and not the Re-Examination that evening.

Mrs. Reiter pointed out that September 23<sup>rd</sup> was also reserved for a possible meeting, if necessary.

There was discussion on distributing materials to the Board members.

Mr. D'Anton said that if Mrs. Reiter or anyone else needed to distribute something, it should go to him and he would send it to the Board. He explained why they had to use this procedure.

Mrs. Reiter explained the timing and process. She went over the Fair Share Plan and said it would be different.

Mrs. Reiter said she just received information on the Spending Plan and said the Draft Ordinance for it would have to be adopted by the Governing Body.

There was discussion about advertising the meeting and Mr. D'Anton advised that it would be better to notice the meeting on the 23<sup>rd</sup>. He said he would take care of deciding when to notice.

### **MAYOR'S REPORT**

Mayor Ference did not have anything to report at this time.

He told the Board that everyone had to be mindful of the schedule of events.

### **COUNCIL REPORT**

Councilman Rosenberg did not have anything to report at this time.

