

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

PRESENT: Thomas Ference, Chairman
John DeRienzo, Mayor
Andrew Rosenberg, Council Liaison
Andrew Anderson
Edmond Ezra, Public Official
Alan Grossberg
Joan Landesman
Nancy Minikes
Bruce Steinthal
Bernard Troy

Mark Madaio, Board Attorney

ABSENT: Leona Kosmac
David Hals, Board Engineer

Mayor DeRienzo took the Chair and 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.

2014 REORGANIZATION

Mayor DeRienzo took the Chair and opened the floor for nominations.

Chairman

Mr. Steinthal moved to nominate Dr. Ference for Chairman.

Seconded by Mr. Troy and upon voice vote, was unanimously carried.

Dr. Ference took the Chair.

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Vice Chairman

Mr. Steinthal moved to nominate Mr. Troy for Vice Chairman.

Seconded by Mr. Landesman and upon voice vote, was unanimously carried.

Secretary

Mr. Troy moved to nominate Mr. Steinthal for Secretary.

Seconded by Mrs. Landesman and upon voice vote, was unanimously carried.

Treasurer

Mr. Troy moved to nominate Ms. Kosmac for Treasurer.

Seconded by Mr. Steinthal and upon voice vote, was unanimously carried.

Board Attorney

Mr. Steinthal moved to reappoint Mr. Madaio as Board Attorney.

Seconded by Mr. Troy and unanimously carried.

Recording Secretary

Mr. Steinthal moved to recommend that Mrs. O'Dowd be reappointed as Recording Secretary.

Seconded by Mr. Troy and upon voice vote, was unanimously carried.

Meeting Dates

Mr. Troy moved to continue having the Planning Board meetings on the third Wednesday of each month, except when it interfered with the larger calendar. Further, unless there is pressing business, the Board will not meet in August.

Seconded by Mr. Steinthal and upon voice vote, was unanimously carried.

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Public Notice

Mr. Troy made a motion to continue to use the same methods and newspapers for public notices as have been used in the past.

Seconded by Mr. Steinthal and upon voice vote, was unanimously carried.

Board Engineer

Mr. Steinthal made a motion to reappoint Schwanawede/Hals as Board Engineer.

Seconded by Mrs. Landesman and upon voice vote, all members voted in Aye except for Councilman Rosenberg.

Councilman Rosenberg stated that Schwanawede/Hals was no longer the Borough's engineering firm.

Dr. Ference responded that his statement was duly noted. He said that they have served the Planning Board well over time and he felt that the Board has spoken on this matter.

The motion was carried.

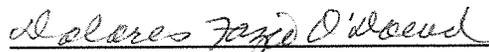
Mayor DeRienzo noted that Councilman Rosenberg has been reappointed as Council Liaison to the Board.

Mayor DeRienzo then asked the members of the Planning Board to rise and take the oath of office.

There being no further business, Mr. Steinthal moved to adjourn.

Seconded by Mrs. Landesman and unanimously carried.

Respectfully submitted,


Dolores Fazio O'Dowd

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~~Andrew Anderson~~
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~~Alan Grossberg~~
Leona Kosmac
Joan Landesman
Nancy Minikes
Bruce Steinthal
Bernard Troy

Mark Madaio, Board Attorney
Michael Hakim, Board Planner

ABSENT: David Hals, Board Engineer

Dr. Ference called the meeting to order and upon roll call, the above members were present. It was noted that Messrs. Anderson, Ezra, and Grossberg called to say that they would not be able to attend this meeting because of other commitments. Ms. Kosmac arrived a short time later.

Dr. Ference announced that the Agenda would be followed in a different order and he asked Mayor DeRienzo and Councilman Rosenberg to defer their reports.

Dr. Ference stated that he was going to add an item to the Agenda. He said that as of the month of December, Mr. Lichtblau, who had been representing the Board for twenty-three years, said that he wished to retire from the Board. Dr. Ference said that it was with great sadness, that he accepted Mr. Lichtblau's request for retirement.

In essence, Dr. Ference stated that they have had the enormous privilege of having Mr. Lichtblau as a colleague. He said that the Planning Board is an exceptional group and everyone on it brings special talents, professional education, experience and commitment. Within that group, Mr. Lichtblau was very special. He said that every community has to have someone who is uniquely dedicated and focused and cognizant of the true meaning of the Board and Mr. Lichtblau has clearly played that role on the Planning Board. He said that Mr. Lichtblau is a drafter and an interpreter of language. In his role, Mr. Lichtblau never lost sight of what the Board is about and he served with integrity. Dr. Ference reiterated that it was with great sadness that they accept Mr. Lichtblau's retirement and he said that Mr. Lichtblau would always have a place at the Board's table.

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Dr. Ference then welcomed Judge Robert Contillo, who was the attorney when Mr. Lichtblau came on the Board. He was also the person who gave his insight and guidance in the Borough's Master Plan development. Dr. Ference thanked Judge Contillo for his leadership. He said he was glad to have Judge Contillo join them this evening.

Mr. Troy said he would like to make a motion that the Board unanimously adopt a resolution to thank Mr. Lichtblau for his contribution and invaluable assistance to the Planning Board.

Seconded by Mr. Steinthal and unanimously carried.

Dr. Ference announced that the motion was duly moved and seconded on behalf of the entire community for Mr. Lichtblau's years of dedicated service.

Mr. Lichtblau thanked everyone for their kind words. In essence, he said that it has been an honor and privilege working with the Planning Board. Mr. Lichtblau said that he appreciated how kindly his service was characterized. He said that when they were first working on the Master Plan, he was given the nickname, "footnote." Mr. Lichtblau said he learned so much. He thanked Judge Contillo for being his guiding light in so many ways. He reiterated that it has been an honor and privilege serving the Board. Mr. Lichtblau then stated that with Mrs. Minikes now in his seat, his input would not be missed and things would be in very good hands.

Dr. Ference stated that when Mr. Lichtblau told him about his resignation and his new plans, he told Mr. Lichtblau that the only way he would consider accepting it was if he found a replacement of a high caliber. Dr. Ference said that Mr. Lichtblau came back a few weeks later and submitted Mrs. Minikes' name as his replacement because he felt she had superior judgment.

ACCEPTANCE OF THE MINUTES

The minutes of the December 2013 meeting were reviewed.

Mr. Madaio asked that page 41, second paragraph be changed to read, "Mr. Madaio asked Mr. Rigg if he was handling the steep slope situation by eliminating all steep slopes."

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

Seconded by Ms. Kosmac and unanimously carried.

CORRESPONDENCE

Dr. Ference noted that the only correspondence was *The New Jersey Planner* and that which related to matters before the Board this evening.

GREENER HOME DEVELOPERS MEMORIALIZING RESOLUTION

The Greener Home Developers Memorializing Resolution was reviewed.

Mr. Steinthal asked that the following be amended:

- Page 6, point 13 be reworded;
- Page 5, point 13 - change regrading to regarding;
- Page 8, at the end of #5 - change to read, "...outweighs any detriments..."

Ms. Kosmac moved to approve the Resolution as amended.

Seconded by Mrs. Landesman and upon roll call, the vote went as follows: Yes - Ms. Kosmac, Mrs. Landesman, Mr. Steinthal, Mr. Troy, Councilman Rosenberg, and Dr. Ference; No - none. Motion carried.

LAND USE ORDINANCE

The Board reviewed the documents from Mr. Hakim and the Mayor and Council.

Dr. Ference explained that the Mayor and Council had a list of questions, comments, and proposed revisions to the Land Use Regulations. He elaborated.

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Mr. Hakim gave a broad overview of what transpired. He explained that the Mayor and Council asked that the Board respond to their comments and questions and the Board selected what they thought were pressing issues. Mr. Hakim said they would put the issues on the agenda when the Planning Board sees fit. Mr. Hakim stated that the only one on the primary report was the definition of fences and that is why there is a special memo on it. Mr. Hakim stated that many of the definitions were consistent with the Municipal Land Use Law. The Mayor and Council were not off base but some changes would be in conflict with the Municipal Land Use Law. There were also some items which were technical in nature and the Mayor and Council requested that the Board respond.

The Mayor and Council's questions and Mr. Hakim memo of October 11, 2013, were reviewed. In essence, the following was discussed.

Critical Area or Critical Environmental Area

Mr. Hakim recommended leaving hydric soils in the definition of Critical Area or Critical Environmental Area.

Fences

Mr. Hakim referred to his memo relating to the definition of Fences. He said that one of the Mayor and Council's comments about fencing was to also include netting. The Board unanimously felt they should permit it since it was used to protect the property from deer. He elaborated.

Dr. Ference said that the fence issue was something which has been coming up over the years and which the Mayor and Council have dealt with it in a couple of ways. It started out at being a small issue and it became elaborate. He said that the Board tried to strike a balance with the residents who invested in the quality of their property. The Board unanimously felt that they should have protection from the deer and be permitted to use this type of transparent black mesh fence. Dr. Ference elaborated.

Home Professional Office

Mr. Hakim said they discovered that there really wasn't clarity with the definition of Home Professional Office and he did not believe that it was something that they had looked at. He felt it should be reviewed rather than just accepted.

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Site Plan

Mr. Hakim stated that this was a definition of the Municipal Land Use Law and it makes no sense for the Board's definition to be any different. The Mayor and Council asked if variances would be required for non-conforming single lots. Mr. Hakim said he felt the answer was that it should be just as the Municipal Land Use Governs. If you have a lot that is non-conforming, you are required to go before a Board for a variance.

Street

Mr. Hakim stated that this was a Municipal Land Use Law definition. He said that the Mayor and Council have the prerogative to take action on a municipal street but not other streets.

Subdivision

Mr. Hakim stated that the definition for Subdivision was in the Municipal Land Use Law.

Surface Water

Mr. Hakim stated that the Mayor and Council's response is that Surface Water was a carry over from the Environmental Assessment Regulations and could be deleted. He said the Planning Board never deleted that phrase because it has been in the Code for many years. He said they could accept the Council's suggestion and eliminate the phrase.

Swimming Pool

Mr. Hakim stated that under the Swimming Pool definition, we agreed to eliminate the word "residential" because it should govern all pools. He pointed out that it did not govern pools at swim clubs. We also recognized that the Land Use Code does not include it and from a technical standpoint, it should remain but this matter should be revisited.

Watershed

Mr. Hakim stated that the Watershed definition is frequently misinterpreted and there is nothing in the Borough Code for watershed so he felt it does not create or reduce additional regulations. Mr. Hakim said it was a technical and scientific term so having us change that definition would be improper. It is just about identifying to the old definition and I recommend that we leave it.

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Section 26-502

- In Section 26-502, the Mayor and Council said that the wording is awkward. Mr. Hakim recommended having a slight word change, which is not substantial. Mr. Hakim said that the Board and Governing Body needed to address this issue.

Garage; Maximum Vehicle

Mr. Hakim stated that the definition of Garage; Maximum Vehicle needs to be deferred to the next round. Mr. Hakim asked if it was to limit the number of garages or the number of vehicles. He said there were so many questions. Mr. Hakim said that he and Mr. Anderson felt they needed to revisit this issue.

Dr. Ference said that this issue comes with a long history such. He said that this was a matter which requires a more serious look at the definition.

Location of Residential Structures

Mr. Hakim stated that there were a few citations which were incorrect in the definition of Location of Residential Structures. He said that their objectives are to clarify the intent and that the structures face public streets and that no major structures be constructed in the rear of a main lot. Dr. Ference said that there might be situations where a home owner constructs a new home while still living in the old home and then tears down the old home. He noted that the new home would have to meet all requirements.

Councilmen Rosenberg said that clarification would not just minimize but maximize the situation to prevent another house being built in the back of a home. If a lot has enough room to do this, the home owner should be permitted to live in the old house for a certain prescribed period of time and have a prescribed period of time to tear down the old house. This way we would accommodate the residents' needs and it would protect against having two structures on a lot. Councilman Rosenberg said there would probably be very few that were going to meet this criteria.

Mr. Madaio explained that they would be given a specific time and there would have to be a bond. He said it would be unique depending upon the situation.

Dr. Ference pointed out that removal of foundations has been a problem.

The Board will revisit this matter.

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Communication Towers

Mr. Hakim stated that they would be changing the title of Communications Towers because it was insufficient to begin with. If they use the suggested title, which the Mayor and Council suggested, it would be rather lengthy but it would cover all of the items. Mr. Hakim said that camouflage and galvanized steel was the preferred material for towers. His recommendation was to give three preferences: 1- camouflage to look like a tree; 2- galvanized steel in gray, which sometimes can be dark; and, 3- any applicable FAA neutral color.

M. Madaio asked if they intended to leave the tower looking like a trees or a very fat flag pole with no flag.

Ms. Kosmac said that they might want it to blend in with its surroundings so she felt that the definition should only say, "camouflage or blend in with surroundings"..."

Dr. Ference said that it would leave the Board with the decision.

Mr. Hakim felt that they should leave in "camouflage."

Dr. Ference noted that they want to keep everything out of Zone B so that it could be kept as pristine as it could be.

Councilman Rosenberg stated that an appropriate place for a tower would be in the woods so the people would not be upset.

Dr. Ference suggested that they revisit this issue.

There was a question about whether there was an ordinance permitting towers in the Borough.

Mr. Madaio talked about some towns he had worked in. He said that when towers were allowed on certain properties, more applicants started coming in requesting them.

Mr. Hakim felt that there should be more restrictions.

Dr. Ference stated that they had to look at this issue very carefully. He said that the issue that concerned the Board was the demand for additional towers. Dr. Ference said that they had to deal with this as a strategic issue.

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Municipal Use Zone

Mr. Hakim said that the Mayor and Council had comments on parking requirements in municipal zones. He stated that the Board deliberately did not put them in because they have very different requirements and needs.

Limiting Schedule: Setback

Mr. Hakim stated that the Limiting Schedule definition relating to Setbacks needs to be revisited.

Limiting Schedule: Height Exceptions

Mr. Hakim stated that he believes height exceptions with cupolas, etc., would not place the Borough in jeopardy. He said that if they read the Code, they would see that there aren't any restrictions on a house of worship or a belfry. Mr. Hakim pointed out that the Mayor and Council were asking for a legal opinion.

Mr. Madaio responded that this was normal. He said he did not think that some antennas, cupolas, or chimneys would be a legal liability.

Mrs. Landesman and Dr. Ference discussed a previous case.

Mr. Madaio said that one question he had for a church is whether it should be part of a site plan approval. He asked the Board if they would want to write it into an ordinance or not. Would they want to design it or have more control in site plan review?

Dr. Ference said that a house of worship was different. He said that with certain houses of worship, the shape of the top of the building was different.

Mr. Madaio said that maybe they would want to leave it as a site plan issue.

Mr. Hakim asked if they should revisit this issue.

Councilman Rosenberg asked if it would give the Borough more control if they took it out.

Mr. Madaio stated that they should list basic exceptions.

Ms. Kosmac said it would give the Board enough flexibility to define conditions.

There was discussion

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Mr. Hakim pointed out that they would have to consider fire safety.

Mr. Hakim suggested that they add it to their list to revisit.

Dr. Ference stated that they were comfortable with it and so was the attorney.

Ms. Kosmac responded that they could certainly review it.

Side Yard

Mr. Hakim stated that they should look at the citations relating to Side Yards. He said that their three-person committee's response was to send it back to the Mayor and Council.

Dr. Ference said that this would not be a Master Plan change - they were accepting a report. He said that they needed an investigatory effort. Dr. Ference suggested that the Board recommend specific changes or say that they have raised good questions, they reviewed it, and they should now take it back as part of their work agenda.

Mr. Hakim explained that everything beyond this point in the document was generated by the Mayor and Council and were items that the Board would not address.

Dr. Ference suggested a motion saying that the Board accepts this report and will forward it to the Mayor and Council and that Mr. Hakim, Mr. Anderson and Dr. Ference would be available to discuss the different elements with the Mayor and Council.

There was discussion on what to incorporate into the second item, e.g. Section 26-902-1D.

It was suggested that Mr. Hakim's memo of October 11, 2013 be incorporated with the document sent to the Mayor and Council.

Councilman Rosenberg suggested that the Board be sure to get everything to the Mayor and Council in February so that they would be available for one or two meetings in March.

Dr. Ference suggested that they get it to the Borough Administrator so that it could be introduced and the Mayor and Council could be told that Mr. Hakim, Mr. Anderson, and Dr. Ference would be available to discuss the document with them.

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Mr. Troy so moved.

Seconded by Mr. Steinthal and upon roll call, the vote went as follows: Yes - Mr. Troy, Mr. Steinthal, Ms. Kosmac, Mrs. Landesman, Mrs. Minikes, Councilman Rosenberg, and Dr. Ference; No - none. Motion carried.

ADMINISTRATIVE

There were questions about when to start discussion on the Master Plan.

It was noted that review of the Master Plan is now due every ten years.

Dr. Ference stated that the Board has been doing a good job planning for the future of the community and that is what their job is all about.

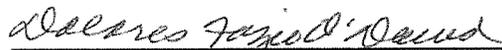
COUNCIL REPORT

Councilman Rosenberg said that he didn't have anything to report at this time.

There being no further business, Mr. Troy moved to adjourn.

Seconded by Mr. Steinthal and unanimously carried.

Respectfully submitted,



Dolores Fazio O'Dowd