

Virtual Regular Meeting of the Haworth  
Planning Board on June 17, 2020, via  
Zoom.

**PRESENT** Bernard Troy, Chairman  
Andrew Rosenberg, Council Liaison  
Andrew Anderson, Vice Chairman  
Leona Kosmac, Secretary/Treasurer  
Amy Albalah  
Edmond Ezra, Public Official  
Nancy Minikes  
Stephanie Mitra, Second Alternate

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

**ABSENT:** Thomas Ference, Mayor  
Tae Chang, First Alternate  
Mark Kronfeld,

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

Mayor Ference gave notice that he would not be able to attend this meeting.

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**

The minutes of the February, April and May 2020 meetings were reviewed.

### **February 2020 Minutes**

Ms. Mitra asked that page 10 be amended to show that she was present.

Additionally, Ms. Mitra asked that page 20 be amended to show that she stated that she was ineligible to vote on the Lake Shore Developers Site Plan Approval so she abstained from voting.

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 Councilman Rosenberg and unanimously carried.

### **April 2020 Minutes**

Ms. Mitra asked that page 21 be amended to show that she was present.

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 Councilman Rosenberg and unanimously carried.

### **May 2020 Minutes**

It was noted that the pages numbers did not print out correctly and needed to be redone.

Mrs. Minikes referred to page 27 (the third page), 4<sup>th</sup> paragraph and said that she felt Mrs. Kosmac's statement in the 4<sup>th</sup> paragraph should say, "...examined several years ago" rather than "...examined for a number of months." There was discussion about the statement and it should say that an extensive review of it was done a while ago.

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Mr. Troy and Mrs. Minikes then referred to page 27, 5<sup>th</sup> paragraph. Mr. Troy said that he felt that Mr. Anderson's statement was not written correctly and Mrs. Minikes thought that "prismatic" should probably be "pragmatic;" however, he said it was correct. There was discussion with him about clarifying it and he changed it to say, "Since the town had considered it, Mr. Anderson said he has seen other approaches including a prismatic approach, about which they had not thought."

Mr. Anderson referred to page 27, 9<sup>th</sup> paragraph and said that Mrs. Reiter's reference to Land Use Boards should be clarified. There was discussion and Mrs. Reiter changed it to Planning and Zoning Boards.

Mrs. Minikes then referred to Mr. D'Anton's statement on page 29 (the 5<sup>th</sup> page), 7<sup>th</sup> paragraph, and questioned the word, "robust" because she did not feel it was complete. He explained that it was correct and that he meant it could not be any strict. They had a brief discussion and Mr. D'Anton asked that it be amended to say, "...any more robust than the RSIS standard."

Mrs. Minikes questioned Mr. D'Anton's statement on page 30, (the sixth page), 3<sup>rd</sup> paragraph, should be amended because if he stated that a number of these things had been mentioned in the Application or Resolution, then it should be included." He said that he would look at the minutes and get back to Mrs. O'Dowd about any changes.

Mr. Anderson referred to page 30, 6<sup>th</sup> paragraph, and said that this was not correct. He said it was not the Knickerbocker Trail, which was being discussed, it was the Knickerbocker Soccer Field at Memorial Park. There was discussion and it was noted that it was, in fact, the Knickerbocker Trail, which was located in the area along Lake Shore Drive near the Suez property. It was decided that that the location of the trail should be included in the statement for clarification. This will be discussed fully in a couple of months.

Mr. Troy questioned Mayor Ference's statement on page 30, 8<sup>th</sup> paragraph, however, Mr. Troy stated that Mayor Ference was not in attendance and they were not at liberty to change his statement. That was something he would have to do himself.

Mrs. Minikes made reference to Mayor Ference's statement which started with, "Ever since 911..." The same decision was made to have Mayor Ference address and comment on his statements.

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Mr. Anderson asked about page 30, paragraph 11. He said it should be amended to say that in the Master Plan he wanted to mention that there is an existing Tree Protection Ordinance.

Ms. Kosmac referred to page 30, first paragraph, Mrs. Reiter's statement and said they weren't talking about doing a new Master Plan. Mrs. Reiter agreed and explained that she said that if the town should prepare a new Land Use Plan Element not a new Master Plan, it must include 3 new items pursuant to a change in the Land Use Law, and those items were environmentally and sustainably related. Then Mrs. Kosmac asked if those elements could be included in the current Master Plan since they would be good to include somehow. She elaborated.

Mrs. Minikes moved to accept the minutes as amended, subject to any clerical corrections and also to the rights of absent members to correct statements directly attributed to them and to other corrections.

Seconded by Mrs. Albalah and unanimously carried.

### **SUEZ WATER SITE PLAN APPLICATION**

Mr. D'Anton stated that the applicant had provided an Exhibit list which he had reviewed, that they had properly served notice to the property owners within 200 ft., and had also published notification in accordance with the Land Use Law.

Council Nilufer DeScherer appeared on behalf of the applicant. She stated that the applicant was before the Board for a Major Site Plan Application, Preliminary and Final in connection with the proposed chemical storage building in an already developed area of the water treatment facility. Ms. DeScherer noted that this is being mandated by the DEP. She said they would need one variance for accessory height.

Ms. DeScherer presented her first witness, Dejan Pandza, an engineer at the Suez Water Company, and who had testified back in 2019.

Mr. Pandza was sworn in and in essence gave the following testimony. He described the purpose of the building and said it was a vital project. He said that the Department of Environmental Protection (hereinafter, DEP) required a certain number of chemicals to be housed. Mr. Pandza said that it would be a 64 ft. X 64 ft. storage building, which was the minimum size that they needed for the large tanks and they needed the additional height.

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He said they would need to expand the storage volume of 2 water treatment chemicals, which they now had on site. Mr. Pandza said it would access the adjoining storage facility and administration building, which was 35 ft. high, and another treatment ozone building, which was 42 ft. high and a wash water building, which was 60 ft. high. He said that all safety procedures have been stated and were in place. Mr. Pandza said that the tertiary containment tanks were double-wall tanks and there was concrete surrounding the tank – all with 3 levels of protection. He talked about the chemicals being stored and said they were described in Exhibit A-11 and in the letter from Suez to the DEP

Mr. Pandza described the entry for deliveries on the side. He said they have existing delivery areas where the trucks pull in and then connect hoses from the trucks to the tanks. Mr. Pandza said that if there were drips or spills, it would be connected to the delivery area. They would be operating 24/7 and there would be no increase in the number of employees or parking and the existed parking area would be sufficient.

Mr. Pandza was asked if Suez would agree to make modifications for lighting if it glared. He said that the lighting would be building mounted and would be consistent with the other buildings. He elaborated.

Mr. Pandza said there would be no other signage other than the signs on the ports for the chemical deliveries. The building would have a number on the building. He said there would be no appreciable increase in noise and they would agree to any truck-route requirements. Mr. Pandza described the access roadway next to the building. He said it would be attached to the existing area to improve traffic flow and safety for employees.

Mr. D'Anton asked if it would be safe to say that Suez needed additional tanks to store sufficient chemicals in order to have the required amount of chemicals for a 30-day period as required by the DEP.

Mr. Pandza replied that Suez was doing this because there was a DEP requirement.

Mr. Troy asked if changes were being made to containment and distribution.

Mr. Pandza responded that some of the existing tanks were not double-walled tanks.

Ms. DeScherer told Mr. Troy that their engineer had a fairly detailed letter relating to these issues.

Mr. Vince stated that he believed that all of these issues had been addressed. He elaborated. He then said that there was no need for additional parking and he felt they covered everything.

Mr. Troy asked if there were any changes in the tanks and Mr. Pandza said that the ones containing sodium would go from 43,000 gallons to 93,000 gallons, and the ones containing zinc and phosphate would go from 4,750 gallons to 4,760 gallons. Mr. Pandza said that when they factor in that they use double the amount in the summer time, it would be a natural disaster if they did not receive deliveries for over 7 days. He said they needed additional storage.

Mr. Vince asked how many extra deliveries there would be and Mr. Pandza said it would not change because the use would not change. Mr. Pandza explained that they just wanted more on hand to stock up.

Mrs. Albalah asked if there would be security measures for any third parties coming in. She asked if anyone was going to be in the building.

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Mr. Pandza explained that they would have security cameras and operators going 24/7, there would also be security men at the gate and in the building for 12 hours.

Ms. Kosmac asked about chemical flames and Mr. Pandza said there would not be any but they would be adding a fire suppressant system. He further explained that if a tank should leak, it would go into the next tank and then into the cement.

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

Cynthia Soroka-Dunn, of 85 Whitman Street, asked asked what would happen if there was a leak from the truck in the delivery area.

Mr. Pandza explained that the trucks would not be parked in the chemical delivery area. They would be in the area where there is safety clean up; and once the truck got into their facility, they would have measures for a safe clean up.

Mr. D'Anton asked if they already had chemicals delivered to the site, and Mr. Pandza said that they did. He elaborated.

Councilman Rosenberg asked if they have had any issues with delivery leakage in the past, and Mr. Pandza said that he was not aware of any.

Mrs. Dunn asked if there was a generator on site for electricity if power was to go out in that area, and, Mr. Pandza replied that they had a generator in the facility.

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

Glenn Rametta, a licensed engineer from Norwood, New Jersey, was sworn in and went over his education, background, and experience. In essence, he gave the following testimony.

Mr. D'Anton stated that the Board could accept Mr. Rametta as an expert in civil engineering.

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Mr. Rametta stated that he had visited the site. He then described the site and went over the waivers being requested. Mr. Rametta said they needed waivers for 1) a Landscaping Plan because they were in a heavily wooded area ; 2) for a Lighting Plan because they would only have mounted lights on the doorways; 3) for Utility Letters for utility extensions because the water and electricity would be coming from on-site sources; and, 4) For Photographs of the site from each street because it was a significant distance from a residential street and behind another building.

Mr. D'Anton said that their attorney would handle the Exhibits.

Ms. DeScherer stated that she would like to submit all exhibits.

Mr. D'Anton stated that the Board was familiar with this site and he suggested that perhaps they could identify the location rather than have a more elaborate discussion about it. He said that he would like to streamline the Application and then go to Exhibits 6 and 7 to show the Site Plan and things such as that.

Ms. DeScherer then went to Exhibit A-4, the Existing Conditions Plan and Mr. Rametta pointed out where the project was located on the site at the bottom of the drawing. He said that the side-yard setback was 777 ft., the rear-yard setback was 1,757 ft., and the front-yard setback was 1616 ft.

Mr. Rametta referred to Demolition Sheet 5 of 34 and said it was formerly an electrical substation and now the area was covered in gravel. He described which buildings were being demolished.

Mr. Rametta referred to Exhibit A-6 – the Site Plan Sheet 6 of 34.

It was noted that Ms. DeScherer had already submitted an Exhibit list.

Mr. Rametta said that the only variance request was for height on the accessory structure from 18 to 24 ft. He said there was no change with anything else and the building was up to code. He explained.

Mr. D'Anton asked why they needed a 24 ft. height on the building when the other witness said the tanks were only 14 ft. high.

Mr. Rametta explained that they needed 24 ½ ft. because the tanks have a 9 in. pad and they are 14 ½ ft. tall. He said that Suez needed access on top for people to work up there and maintain clearance below for trusses in the building. He said there would be insufficient room from the tank to the roof.

Mr. Rametta said that all utilities would be obtained from sources on site. He said there was a drive-in area at the end of the building and with the changes, they would be able to drive right through. He said there would be no increase in impervious surface – everything which was being added had been accounted for giving them a net zero. There would be pads on the westerly side of the building and no pads or concrete in the front, and he pointed out that it was very infrequently used.

Ms. DeScherer stated that they received a No Interest Letter, which was sent to Mr. Vince, Exhibit A-15.

Mr. Rametta went over Mr. Vince's technical comments relating to drainage and grading and stated that they agreed with everything Mr. Vince was saying. His responses to Mr. Vince's comments were as follows:

23. They would revise the survey's spot elevations.
24. They would have more positive drainage and need to zoom in a little bit and create a swale to the catch basin. They were also planning on installing a 700-gallon seepage pit to allow for ground water recharge.
25. Mr. Vince's recommendation would make sense for the flow of the ground water.
26. All doors would have concrete and asphalt in front of them except for two with roll-up doors.
27. They would provide paving in those areas.
28. They would provide signed and sealed drainage analysis as required.
30. The spread sheet would be revised.
31. The plan shall be revised , and there would be a new seepage pit installed in the area.

There was discussion between Mr. Vince and Mr. Rametta to work out the other issues.

Mr. Vince confirmed that they would have connections on the side of the building, which would go to the tanks, there would be leak monitoring and everything would be monitored and pitched.

Ms. DeScherer referred to Exhibit A-7, showing an overview of the tanks in the building.

Mr. Vince referred back to the building height. He said he did not know if the steps were to help with the building height. He asked if the tanks could be set lower.

Mr. Rametta said the tanks in the whole area were concrete and they would have to go up 4 ft. high. He explained what would happen if they were put in too low.

Mr. Rametta said that they had applied for soil export but decided that the soil would remain on site. They would be importing 125 cubic yards of soil and referred to the Exhibit to show where it would be located.

Mr. Vince stated that what they were planning would not be a problem. He asked them to call Bergen County regarding the soil erosion because they might want a silth fence.

There was discussion and Mr. Vince stated that the soil conservation would require a certain amount to be seeded.

Ms. DeScherer stated that the applicant would comply.

Mr. Anderson said he heard that there would be an electric sub-station and he asked if it had been cleared up with regard to new concrete, etc. He then asked if they would look into it.

Mr. Rametta said he understood that it was taken out. There would be no non-contamination in that sub-station area.

Mr. Vince stated that his office had not looked into it because they do not look into contamination issues.

There being no other questions from the Board, Mr. Troy opened the meeting to the public.

Cynthia Soroka Dunn asked about PCBs from the former sub-station. She asked if there was a way to test the area.

Ms. DeScherer said she believed that Mr. Pandza said that it had already been determined and Mrs. Dunn said that it did not mean that it was cleared.

Mr. Troy asked the applicant for a confirming letter on this issue.

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Mr. Pandza said he would be happy to have the Manager of Environmental Compliance get a letter out confirming that there were no leaks.

There being no one else coming forward, the meeting was closed to the public.

Mr. Vince said he was satisfied that the applicant would make all changes and add one seepage pit.

Ms. DeScherer stated that they agreed to everything.

Jeffrey Baron, a licensed architect, of Manahawkin, New Jersey, was sworn in and went over his education, background and experience.

Mr. D'Anton told the Board that they could consider his expert testimony as an architect.

In essence, Mr. Baron gave the following testimony. He said he prepared some documents and the others were prepared in his office under his direction and supervision for Exhibits A1, 2, 9 and 10; he visited the site on a number of occasions, and prepared the Plan in accordance with the engineer.

Mr. Baron referred to Exhibit A-1 and went over the different view and buildings.

Mr. Troy asked if there were any questions from the Board but there were none.

Mr. Troy opened the meeting to the public and asked Mrs. Dunn if she had any questions for this witness.

Mrs. Dunn asked if they gave any thought to using solar panels on this building.

Mr. Baron responded that there was a need to access the roof and solar panels would hinder it.

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

Michael Kauker, a licensed New Jersey planner, was sworn in. He went over his education, background, and experience.

Mr. D'Anton told the Board that they could consider his expert testimony as a planner.

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In essence, Mr. Kauker gave the following testimony. He said that he visited the site and the only variance needed was a height variance. He talked about it briefly and explained the reason that they needed to have a 24 ½ ft. height.

*Mr. Ezra excused himself from the meeting.*

Mr. Kauker said the purpose of this application was to increase the amount of storage as required by the DEP. He said it would provide tanked water to the public and it was considered a value to the community and the public good.

Mr. Kauker said they were requesting a C Variance, which was a Bulk Variance under the Municipal Land Use Law. He stated that it was inherently beneficial under the Municipal Land Use Law and it would enable Suez to store and provide sufficient chemicals for this purpose. He said that in order to accomplish storage of the chemicals, storage tanks were needed and an 18 ft. high building would not accommodate them. He said the property was very large and an increase in height could be easily accommodated.

He elaborated and pointed out that structures nearby had equal or greater height. Mr. Kauker said that those other buildings would be hiding the new building and it would not be seen. He pointed out that the area was surrounded by two golf courses, a reservoir and two public streets, including Sunset Avenue. One is 777 ft. away and the other is 319 ft. away and there were sufficient buffers.

Mr. Kauker stated that the variance would be justified to allow a minor increase in height for storage as well as address the regulatory requirement and Suez could better serve its customers for the public good and for the general welfare. He said that was the positive criteria. He then said there was no negative criteria and there would be no detriments to the public good. Mr. Kauker stated that they had covered buffers, there would be no increase in traffic, no impairment to the Zoning Ordinance, and the use was permitted. He pointed out that they had met all bulk requirements as well as setbacks and had met the burden of proof, and the Board could feel confident about granting the variance. Mr. Kauker said he was satisfied with the testimony and he believed that it was a correct classification for the variance. Further, based on testimony, he was confident that the requested height was a needed necessity.

Mrs. Minikes asked Mr. Kauker if he included the 2019 Resolution for the warehouse because the Board was already aware of it. She said she felt the two buildings were completely unrelated.

Mrs. DeScherer stated that Mrs. Minikes was correct.

There were no further questions from the Board.

Ms. DeScherer stated that they appreciated the Board's time and requested its approval of the Site Plan Application and Permits. She thanked them for their consideration.

Mr. Troy again opened the meeting to the public for comments.

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

Mr. D'Anton stated that this was an application for the construction of a storage facility of a regulated industry on 88 acres of land. He said that based upon the combined testimony, the applicant would comply with any DEP and Soil Conservation requirements. Mr. D'Anton stated that he felt the Board could take a vote on this application this evening. He said that the applicant would have to do whatever was required for the Soil Moving Application as well as any additional requirements which have been requested.

Mr. Troy entertained a motion.

Mr. Anderson moved to grant the variance requested by this applicant.

Seconded by Mrs. Minikes.

Mr. D'Anton stated that they should grant the the Application as set forth in Exhibit A-2, with the granting of a C Variance plus the 4 waivers requested testified to by Mr. Rametta for a Landscaping Plan, a Lighting Plan, Utility Letters for utility extensions, and Photographs of the site from each street.

Mr. Anderson so moved.

Mrs. Minikes seconded the motion and upon roll call, the vote went as follows: Yes - Mr. Anderson, Mrs. Minikes, Mrs. Albalah, Ms. Kosmac, Ms. Mitra, Councilman Rosenberg, and Mr. Troy; No – none. Motion carried.

Ms. DeScherer thanked the Board and said it was much appreciated.

