

**BOROUGH OF HAWORTH**  
**PLANNING BOARD**  
**REGULAR MEETING MINUTES**  
Wednesday, April 17, 2024 at 8 PM

**OPEN PUBLIC MEETING ACT ANNOUNCEMENT**

Chair Anderson opened the meeting at 8:02 pm with the following announcement: Open Public Meeting Act Announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD or THE SUBURBANITE. A copy has been filed with the Borough Clerk and copies have been mailed to individuals requesting the same.

**ROLL CALL**

A Roll Call confirmed the following:

PRESENT: Ms. Albalah, Mr. Contillo, Mr. Chval, Mr. Adler, Mr. Ezra, Councilman Rosenberg, Mayor Wasser, Mr. Anderson

ABSENT: Dr. Pavell, Mr. Hirschhorn

**MINUTES FOR APPROVAL**

March 20, 2024 Mr. Ezra moved to approve the minutes of March 20, 2024, second Mr. Adler.

VOTE: All in favor. Mr. Contillo abstained. Carried.

**INVOICES**

Schwanewede Hals	Planning Board Meeting (12/20/2023)	\$495.00
Schwanewede Hals	Planning Board Meeting (2/21/2024)	\$340.00
Schwanewede Hals	287 Lake Shore-Plan Review (escrow)	\$510.00
Martha Francis	Attendance, Minutes & Corres (3/20/2024)	<u>\$250.00</u>
	TOTAL	<u>\$1,345.00</u>

Mayor Wasser moved to approve the above invoices, second Mr. Ezra.

VOTE: All in favor. Carried.

**RESOLUTIONS**

1. 70 Haworth Drive – White Beeches Pickleball Courts (Site Plan)

Mr. Chval moved to adopt the resolution, second Mr. Ezra.

DISCUSSION: Councilman Rosenberg remembered that the noise shield was to be on all four sides of the courts. Mr. Anderson noted that in Paragraph 4 “east” should be “west” and that in the following paragraph on the third line “gave” should be “have.” He noted that the word “courts” should be added after the word “pickleball” in paragraph 6, line 5. On page 9, Paragraph B it should be clarified that the Board’s engineer will be making the approval and the word “south” should be added. The attorney will make these changes to the resolution. Councilman Rosenberg asked about the comments in the resolution. Discussion.

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ROLL CALL VOTE for adoption with changes

AYES: Chval, Ezra, Adler, Rosenberg, Wasser, Anderson

Nays: None

No vote: Albalah, Contillo

Absent: Pavell, Hirschhorn

Carried.

2. 287 Lake Shore Drive – Berger (Subdivision)

Mr. Chval moved to adopt the resolution, second Ms. Albalah.

DISCUSSION: The Board attorney said that he required the easement designation; the applicant's attorney stated that he would provide the deed dedication. Mr. Anderson pointed out that on page 4, Paragraph C, "18,000" should be "1800" and that the word "any" should be added before the word "new" throughout the resolution in connection with laterals. The Board attorney will make these changes to the resolution.

ROLL CALL VOTE for adoption with changes

AYES: Chval, Albalah, Contillo, Ezra, Rosenberg, Wasser, Anderson

Nays: None

No vote: Adler

Absent: Pavell, Hirschhorn

Carried.

3. Professional Legal Services

Councilman Rosenberg moved to approve the resolution of appointment for Mr. Rupp, second Mr. Adler.

DISCUSSION: Mr. Contillo made a point of order that the Board was fortunate to be represented by Mr. Rupp.

ROLL CALL VOTE

AYES: Rosenberg, Adler, Albalah, Chval, Contillo, Ezra, Wasser, Anderson

Nays: None

Absent: Pavell, Hirschhorn

Carried.

The Board attorney will make any necessary changes and return the resolutions to the Board chair who will sign them.

**APPLICATIONS**

1. 302 Pine Street – Fernway Builders (Subdivision)

Matthew Capizzi, attorney for the applicant, explained that the proposal was to subdivide the property into two roughly equal building lots, one facing Pine and the other facing Schraalenburgh. The property was two lots in

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the 1950s, but the lot line was different from what is now proposed. The proposal meets all requirements except area; no other bulk area variance is being sought. A small area in each lot has a slope.

Mr. McClellan, of Lantelme, 101 West Street in Hillsdale, was sworn in and accepted as the applicant's engineer. He reviewed the site plans created on 2/28/2024 for Block 1600 proposed lots 4.01 and 4.02.

Lot 4.01 is proposed to have a single family home with a sideload garage and a patio in the rear. Three small trees are expected to be removed. There are steep slopes in the front yard.

Mr. Anderson asked whether there were any structures on the steep slopes and was told that the proposed driveway will be on the slope and that there will be seepage pits where the current driveway is.

Proposed lot 4.02 would also have a sideload garage to allow for turning around in the driveway. There are steep slope disturbances relative to the pool so flattening and filling the area that will have a pool is part of the proposal. Arbor vitae that will interfere with sight distances are slated to be removed. No other trees are planned for removal.

Mr. Anderson pointed out that the landscape architecture plan will have to be revised.

The initial subdivision sheet was marked A1.

The Site Plan on Pine was marked A2.

The Site Plan on Schraalenburgh was marked A3.

The Sight Distance Overlay (also 2/28/24) was marked A4.

The Steep Slope Overlay was marked A5.

Variations are being sought for the slope in the pool area on the proposed Schraalenburgh Avenue lot and in the driveway area for the proposed Pine Street lot. The applicant's engineer testified that it is not an environmentally sensitive area.

Retaining walls are proposed, and the maximum height will be 4 feet.

The letter from the Board engineer addressed the sight distance and the steep slope. The applicant's engineer testified that the applicant is prepared to comply with all of the concerns addressed in the letter.

The meeting was opened to the public for questions for the engineer.

David Reed asked whether the road would be changing width. The applicant's engineer responded that the County asked for a road-widening easement, and widening would occur as required. Mr. Reed asked whether the arbor vitae would be returned and was told that the landscape architect would address it.

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Andrew Lazarus asked about the current shed and was told that it is planned to be removed. He asked about the arbor vitae, which will be addressed by the landscape architect.

Gina Cosseta asked about the placement of the driveway and then looked at the plans for answers.

The Board engineer explained that these are conceptual dwellings.

Vanessa Reed asked about the property sizes when there were two lots in 1954 and was told that the dimensions were the same.

Gina Cosseta asked about a basement and where the water would go. She was told that there would be two seepage pits per property.

The Board engineer explained that each house will need to have plans submitted and the runoff reviewed.

Mr. Adler asked whether the 9-foot basement would be memorialized. The Board engineer said that it can be and that he would recommend requiring a side-loading garage for the Schraalenburgh property.

Mr. Adler asked why the driveway has to be on the north side on the Schraalenburgh property and was told that it was because that spot is lower. Mr. Adler pointed out the existing sidewalk ends at the south property line of the subject lot and recommended that the extension of the existing sidewalk along the length of Schraalenburgh Road in front of the subject lot be made a condition of approval.

Councilman Rosenberg asked about road widening and pointed out that both houses are proposed to have pools near the lot lines.

Mr. Ezra asked about the application from 2015 and was told it was a fence application. He asked how many existing driveways were on the block on each side and was told that there was one on one side.

Mayor Wasser asked about the cut in the curb.

Ms. Albalah asked how one can be sure that there will not be pooling water and was told that it was possible to test and refigure if necessary. She asked if there was currently water on Pine Street and was told that it slopes down to the stream.

Mr. Chval pointed out that for lot 4.01 the seepage pit near Schraalenburgh was planned to be partly in the proposed easement and was told that it will be moved.

The Board attorney asked whether the existing house would be removed and was told that it will.

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Gina Cosseta said that she gets water now and asked how she would be protected. She was told that with the seepage pits there will be less water. She was also told that the existing water runs onto the driveway and that in the future all water will be contained on the lot and that the property will be more level, giving the water more time to seep into the ground and that the pool will capture a certain amount as well.

The meeting was closed to the public. Paul Keyes (1 Atwood Avenue, Tenafly) was sworn in and accepted as the landscape architect for the applicant). He testified that currently there is not much of worth in terms of trees on the property.

The Landscape Plan dated 10/4/23 was marked A6.

He testified that the Leyland cypress trees would be removed to improve sightlines from the property and that he proposed a simple plan, including redpoint maples along the street and for the foundation ground cover and native trees, skip laurels, and in the back hydrangeas. He said that he liked a fair amount of lawn as it is a good stabilizer, absorbs water, and grows back after the deer eat it.

The applicant's attorney stated that the landscaping plan could be a condition of approval. The Board engineer requested that 4 Maples on Schraalenburgh be in the resolution if the County approved the planting.

The meeting was opened to the public and then took a brief break. The meeting started again at 9:25 pm.

David Spatz (60 Friend Terrace, Harrington Park) was sworn in and accepted as the planner for the applicant. He testified that he reviewed the plans, the property, the zoning ordinance, the master plan, and the tax maps.

Photographs showing the property and its adjacent properties were marked A7. He said that a C variance was sought for minimum lot area and that each lot was about 1500 square feet short.

A tax map from 1953 showing two lots was marked A8.

He said that putting the lot lines in made lots of more equal sizes and that the line was going in at a natural break.

Mr. Anderson asked about the bulk requirements in 1954. The planner stated that he did not know but that the current requirements have been in place since the 1970s. He said that there are no substantial negatives. Mr. Anderson asked whether the planner had analyzed the other properties in the area. The planner said that he had and that the subdivided lots would still be larger than most of the others in the neighborhood. Mr. Spatz said that the positives were that there would be additional housing and a more consistent streetscape. He said that through lots were disfavored and that zoning and land use preferred frontage on one street only.

He said that the height and building met the standards of light and open space and that much of the landscaping at present was not of high value. He said that the proposed plans fit with zoning ordinances.

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The meeting was opening to the public for questions for the planner.

David Reed (314 Schraalenburgh) asked about a mark on the 1953 plan that looked like a straight street and was told that it was a property line.

Ms. Albalah asked about the 8 feet cut from the property on the Schraalenburgh property.

Mr. Ezra asked whether there was a driveway on one of the properties in the photo and was told that there was not.

Mayor Wasser asked for the square footage of the proposed dwellings and was told that it was 2,000 not including the garage.

Mr. Adler asked for thoughts on his sidewalk proposal and was told it made sense.

The engineer's report was marked B1.

The tax map sheet 15 was marked B2.

Mr. Contillo asked the planner to review the tax maps to learn the relative sizes of nearby properties. He did and reported approximate sizes of 13,000, 20,000, 10,000, and 10,000.

Mr. Ezra asked for a vehicle count on Schraalenburgh.

The Board attorney asked whether a C1 or C2 variance was sought and was told that it was a C2, consisting of drainage improvements, lots more consistent with the neighborhood, additional landscaping, and the creation of a new home.

Councilman Rosenberg pointed out that many of the houses in the area are substantially smaller than what is proposed and that "conforming" includes house size.

Mr. Adler asked what could possibly be built if this application is not granted and was told that a significantly larger home could be built.

The owner of the property (Mr. Sha, 44 Park Drive, Livingston) was sworn in.

Mr. Rosenberg asked Mr. Sha if he was aware of the parameters allowed. Mr. Capizzi said that they had consulted and felt that it was a good application.

A brief recess was taken by Mr. Capizzi.

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Mr. Capizzi returned from the recess and said that he and his client would like to do some housekeeping and return in a month. He was advised that the Massachusetts Avenue application would be heard in May. The decision was that the application would be carried to May 15 with no further notice with the knowledge that if it cannot proceed on 5/15/24 a new date would be announced at that time. The Board attorney clarified that if the other application is not heard on 5/15/24, this application will be. The applicant granted extension of time to 5/16/2024. The public is able to call the clerk's office closer to May 15 to ask about any meeting updates.

An attorney in the audience asked about the process. Several people voiced the desire to speak tonight instead of waiting. Mr. Ezra moved that the Board hear from anyone wishing to speak tonight, second Mr. Adler. Mr. Contillo clarified that no one was waiving the right to speak at the next meeting by choosing not to speak at this meeting. All in favor.

No one from the public chose to speak further at this meeting.

**OLD BUSINESS**

1. Status of Massachusetts Avenue application: It will probably be heard on May 15. There will be a Town Meeting on April 29 at 7:30 to discuss new legislation. Mr. Rupp cautioned that the Board members could go to the meeting as residents but not as a Board.
2. Introduction of Ordinance on Tree Management took place last week and is now on the website. Mr. Contillo asked whether it will be referred to the Board for approval. Mayor Wasser stated that the state wants every tree included in the ordinance.

**NEW BUSINESS**

Ms. Albalah reminded everyone that the Environmental Commission cleanup day is April 27.  
Reminder: Financial Disclosure Statements are due 4/30.

**MEETING OPEN TO PUBLIC**

**ADJOURNMENT** Mayor Wasser moved to adjourn, second Mr. Adler. All in favor. Meeting adjourned at 10:25 pm.

**Next scheduled Regular Planning Board Meeting**  
**May 15, 2024 at 8:00pm**

**Respectfully submitted,**

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**Martha Francis**  
**Planning Board Secretary**