

BOROUGH OF HAWORTH
PLANNING BOARD
REGULAR MEETING MINUTES
Wednesday, June 19, 2024 at 8 PM

OPEN PUBLIC MEETING ACT ANNOUNCEMENT

Mr. Anderson called the meeting to order at 8:00 with the 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

Present: Mr. Chval, Mr. Contillo, Mr. Adler, Mr. Ezra (at 8:03), Ms. Albalah, Councilman Rosenberg, Mayor Wasser, Dr. Pavell, Mr. Anderson

Absent: Mr. Hirschorn

MINUTES FOR APPROVAL (addressed later in the meeting)

May 15, 2024 Mr. Chval moved to approve the minutes, second Mr. Ezra. All in favor, Ms. Albalah abstained. Carried.

INVOICES

T&M Associates	Professional Services - Engineering (Escrow)	3/1- 5/24/2024	\$10,030.00
T&M Associates	Professional Services - Planner (Escrow)	3/1- 5/24/2024	\$ 7,577.00
Martha Francis	Attendance, minutes & admin	May 2024	<u>\$ 250.00</u>
		Total	<u>\$ 17,857.00</u>

Mr. Chval moved to approve the invoices, second Mr. Adler. All in favor. Carried.

APPLICATION

Massachusetts Ave/BCUW

Mr. Anderson explained that expert witnesses would testify and after each Board members would ask their questions and that members of the public could then be sworn in to ask questions and provide testimony. Then, at the end of the presentation the public would have an additional opportunity to testify.

Bruce Whittaker, attorney for the applicant, explained that he had prepared an exhibit list to expedite the process and made copies available to the public, as the Board already had it. He explained that he was appearing on behalf of Bergen County United Way and Madeline Housing Partners LLC. He stated that the applicant is a nonprofit organization providing affordable housing and is seeking subdivision approval, preliminary and final site plan approval for one of the lots to be created in the subdivision, waiver approval from certain requirements of municipal land use ordinances, and soil movement approval. He stated that proper notice was given, which the Board attorney confirmed.

He explained that the applicant entered into a transfer and development agreement dated June 14, 2023 with the Borough of Haworth, by virtue of which United Way and Madeline Housing are the

BOROUGH OF HAWORTH
PLANNING BOARD
REGULAR MEETING MINUTES
Wednesday, June 19, 2024 at 8 PM

applicants and the land is still owned by the Borough. The Borough will convey title to a portion of the property. The subdivision application being made will complete the requirements of the transfer and development agreement (marked exhibit A1). The Borough will by virtue of the agreement convey a portion of the existing property (marked on the plans as lot 1.02 and consisting of 2.387 acres) to the developer. The rest of the property will remain with the Borough. The developer will construct 4 one-bedroom supportive units, 2 age-restricted affordable units, 8 family affordable units, and 21 market-rate units. This agreement is part of the Borough's affordable housing agreement.

The proposed subdivision, according to the transfer agreement will comprise three lots: 0.17 acres, 2.387 acres, and 5.79 acres. The site plan as proposed complies with the Borough's third round affordable housing requirements. The types of housing proposed also comply with the agreement, as confirmed by the Borough planner in the report of June 17. The proposal meets all of the bulk requirements. The parking spaces and garages also meet the minimum requirements. Three waivers are sought: One is requesting not to construct a sidewalk on Grant Street, one is for the easement needed to construct the sidewalk, and one is for depicting contours 100 feet off the property value line. Waivers are held to a lesser standard than variances. A Soil Moving permit is requested for a net fill of 4,350 cubic yards. MLUL states that when an application meets all requirements the Board shall grant the application. It is the applicant's position that they meet all of the standards and requirements.

Tom Toronto (representative of Bergen County United Way/Madeline Housing, 60 Forest Avenue, Paramus, NJ) was sworn in. He testified that his organization is a non-profit organization providing affordable housing. He testified that they build well and are good neighbors. He confirmed that he has provided information concerning the trash needs of the development; that the deliveries would be normal, without any special deliveries; that no employees would be associated with the units, as they are independent-living units, although individuals could of course employ people to assist them. This is not a group home. The affordable units will be mixed with the market-rate units. Passersby would not be able to distinguish one from the other. Councilman Rosenberg asked whether the interiors would be the same. Mr. Toronto said that while some market-rate units might have some higher-end countertops or cabinets, for instance, all units would have solid wood doors and cabinets and be well built. Ms. Albalah asked whether the individuals living in the units would be responsible for rent. She was told that the individuals were vetted and carefully chosen to make sure residents could live safely and securely. It is also desirable that they have local sources of support. Mayor Wasser asked whether he was confident that the parking is sufficient. He said that he is. In answer to questions from Councilman Rosenberg and Mayor Wasser, he confirmed that his organization is trained to choose appropriate residents and explained the application process. Mr. Ezra asked how many units will be in the affordable housing in Alpine. There will be 12 units and a community space.

Caroline Reiter, planner, asked whether the United Way will be providing the affirmative marketing and was told that they would. Discussion. The applicant's attorney confirmed that all stipulations in the transfer and settlement agreement will be followed.

The meeting was opened to the public for questions and statements for Mr. Toronto. Mr. Simulcare (29 Chestnut Street) was sworn in. He asked for the criteria used for selecting the site. Mr. Toronto

BOROUGH OF HAWORTH
PLANNING BOARD
REGULAR MEETING MINUTES
Wednesday, June 19, 2024 at 8 PM

explained the interactive process between the Governing Body and the developer. Mayor Wasser explained that it is a Mount Laurel type of project, in answer to Mr. Simulcare's question.

Keith Kolkebeck (3 Osmer Lane) was sworn in and asked for a list of other United Way locations. Mr. Toronto suggested he look at the website. He asked what the oldest project was and was told that the Cliffside Park units were built in 2005. He said that he lives directly across the street and asked what the process for construction and communication will be. Mr. Toronto said that the construction will follow the Borough's Construction Department rules and regulations. Mr. Kobek asked whether anything above and beyond could be done. Discussion.

Mr. Kourlokos (12 Hillcrest, Dumont) was sworn in. He asked whether there was a specific route the trucks would take. He was told that this was not yet determined. The applicant's attorney explained that there would be a pre-construction meeting where details would be hammered out. He said that they would include the Borough of Dumont. There will not be a traffic study because the Borough has created an ordinance to create the 35 units. Mr. Kourlokos asked about stormwater runoff and was told that the engineer would speak to that.

Jamie Gladstein (35 Grant Street) was sworn in and stated that she lives right near Spectrum for Living on Grant and has issues with parking and sometimes has trouble leaving her driveway. She has concerns about the traffic becoming a bigger problem. Mr. Toronto explained the parking.

Councilman Morell (63 Depew Street in Dumont) asked about the sewer line and said that it floods out already. He was told that this is an engineering question.

A resident from 37 Pleasant Street was sworn in and asked why there aren't more affordable units and asked about a mitigation plan for trees. Mr. Toronto explained that the number of units is under the direction of the Governing Body.

Cythia Soroka-Dunn (85 Whitman) was sworn in and asked what was happening with the great horned owls on the property, who does the landscaping, what chemicals will be used, how the Fire Department will deal with more and more people. She asked if there would be quiet hours. The applicant's attorney stated that the zone the development is in contemplates the development of this sort and that this Board doesn't have any more jurisdiction over that sort of arrangement than it would over a family home.

Steve Jureller (124 Harrison Street) was sworn in and asked whether the trash would be picked up by the Borough or privately. He was told that it would be private. He said that trash should not be picked up before 7:00 am. The applicant's attorney stated that the Borough's ordinance would be followed.

Stacy Tackie (Beacon Street) was sworn in. She asked whether the units were rental and was told that they will be. She also asked whether the dead-end streets would be opened and was told that they would not be.

BOROUGH OF HAWORTH
PLANNING BOARD
REGULAR MEETING MINUTES
Wednesday, June 19, 2024 at 8 PM

Thomas Kelly (70 Beacon Street, Dumont) was sworn in. He said that the Haworth streets were insulated from traffic and that Dumont residents (especially on Garfield) are concerned. He said that there is a barrier gate at the second entrance of the facility. He spoke about the greater incidence of emergency vehicles. He asked for relief in terms of where entrance and exit are. He said that Dumont will also be looking at locations and overlay zones that could affect neighboring towns. It would be the neighborly thing to do, he said, to recognize that the traffic patterns put an undo burden on the town. Discussion.

Mark Martins (55 Walnut Street, Norwood) was sworn in and accepted as the engineer for the applicant. The following describes his testimony. Mr. Martins described the existing conditions and the proposal. The Existing Lot Plan, dated April 15, 2024, was marked A-6. Mr. Anderson asked for the reason for the two additional lots of the subdivision; the applicant's attorney explained that the subdivision follows the transfer and development agreement. The engineer confirmed that the parcel earmarked for the proposed development matches the size and conditions set forth in the agreement. The area map was marked A7' the site plan showed the 5 proposed buildings, encompassing 35 units. The engineer confirmed that the architectural plans were taken into account. The major entrance and egress will be from Massachusetts Avenue. The entrance from Grant Avenue with the crash gate is for emergency use only. There is no public access/egress on Grant Avenue. The engineer confirmed that the state and Borough standards for entrance and exit have been met and that a second entrance/exit is a safety measure. Plans have been shared with the Fire Department. The fire truck will have room to maneuver. The RSIS standards for parking have been met. EVS requirements have been met. The drainage from the property will be reduced, as required. The Stormwater Management Manual was marked A8. The system will be maintained, as described in the forthcoming operations manual. Maintenance of the systems will be a deed restriction. There will be no detriment or adverse conditions to the surrounding areas due to this development. Soil percolation tests will verify the validity of the proposal. The landscaping plan was described. As much as possible, the chosen plants are deer resistant. The trees to be removed were described. The lighting plan was described. Street improvement proposed meets the standards and requirements. Waivers have been requested for sidewalks on Grant Avenue, as well as the easement for said sidewalk, as access is not necessary. Waivers have also been requested for contours offsite 100 feet off the property line. The soil movement and relocation plans conform to Borough requirements and was taken into account when creating stormwater management plan.

Mr. Adler asked about the electric and was told that it will be underground. He also asked why the rear yard is the westerly lot and the side yard the northern side. Discussion. Mr. Adler voiced concern about the entrance being offset from Garfield and wondered if it could be altered to be directly across for safety. The engineer explained that the current setup is the best one.

Mayor Wasser asked about the DEP requirements and the wetlands. The engineer and attorney explained that the DEP had approved the site.

Ms. Albalah asked about sufficient handicapped parking. The engineer explained that the ADA spaces meet or exceed the requirements. Ms. Albalah asked whether the amount of ADA spaces were taken

BOROUGH OF HAWORTH
PLANNING BOARD
REGULAR MEETING MINUTES
Wednesday, June 19, 2024 at 8 PM

into account with applications. The engineer believed that this was taken into account. Ms. Albalah asked about the phrase in the plan about acquiring easements from neighbors for construction. The engineer explained that it was a catch-all phrase and that its use was not anticipated.

Councilman Rosenberg asked for the reason for requesting a waiver for the easement for the sidewalk. The engineer replied that it was not necessary. The applicant's attorney said that as the Borough owns the property they can always take it. He also said that if the Borough wants to insist on the easement it does not affect the project.

Mr. Contillo asked why the entirety of Massachusetts Avenue is not being paved. The engineer said that it is not being paved because they do not need to extend the pavement more than they do. Mr. Toronto said that the Borough did not want to improve Massachusetts Avenue to Schraalenburgh and that the town wanted to only improve it as necessary.

Mr. Anderson asked where the right of way for Massachusetts Avenue is. He was told that it is in Haworth.

The Board attorney asked about the water flow currently. It flows toward Dumont and it will be reduced. He also asked whether any areas of lighting were under half a foot candle. Discussion. The plan was created by a lighting consultant and meets Borough standards. The Board engineer said that they did look at the lighting. The Board attorney voiced concern that some areas could be too underlit.

The meeting was opened to the Public.

Troy Hilcken, Fire Chief for the Borough, was sworn in and asked how many stories there would be. The maximum height will be 32 feet. He asked about gas, and gas service has been proposed. He asked whether any lights would impede traffic flow. They will not. He also asked about the ability for the fire truck to turn and suggested the dimensions might be slightly off.

A resident from 107 Garfield in Dumont was sworn in and asked at what point in the process the paving happens. He asked why more of it was not being paved. He was told that this has not yet been determined. He asked whether there would be no parking signs along Massachusetts Avenue and was told that there would be. He asked for the construction schedule and was told it would start in about 6 months.

Jared Geist, the Dumont Borough attorney, was sworn in and asked why not pave all of Massachusetts (and not just Grant to Garfield)? He stated that not paving all of it will increase the traffic on Garfield. The applicant's engineer did not feel that it would. He was told that the additional 50-60 feet were not being paved because there was no need to do so and that it would mean the removal of more trees. Mr. Geist asked about the gate on the Juniper Street entrance. The engineer said that it was not intended for regular use. Mr. Geist said that it seemed intentional that more traffic would go toward Dumont.

BOROUGH OF HAWORTH
PLANNING BOARD
REGULAR MEETING MINUTES
Wednesday, June 19, 2024 at 8 PM

When asked, Mr. Martins did not know why no traffic study was made. Mr. Geist said that the date on the stormwater document was incorrect.

Steve Jureller (124 Harrison) asked the engineer to speak about the tree removal plan and asked whether he was aware of the newly passed tree ordinance. 245 deciduous trees and planting fewer. He voiced concern about removing large trees and replacing them with smaller trees. He then asked why there was a request for a waiver for the sidewalk on Grant. Discussion about traffic on Grant Street. He suggested if there were increased vehicular traffic on Grant Street a sidewalk would be helpful. He also asked how traffic would flow into the property from the west. Mr. Martins gave his suggestion. He asked about the excavation for the seepage tanks. He also asked about the grading for the Massachusetts Avenue entrance and that it is higher than the roadway and that it should be looked at in terms of runoff. The engineer explained the plan.

Mr. Anderson asked how far from the site one would have to go around the site to encounter the same number of units as in the development. Discussion.

Cynthia Soroka-Dunn said she felt there should be a traffic study. She also asked if some of the trees could be saved. She spoke about the noise level of the complex. She wanted to do something to keep the lights from going beyond the complex. She asked whether the plantings were non-invasive. She said there is a lot of soil erosion where she lives. Mr. Whittaker said that the lighting will meet Borough standards. He said that the Borough contemplated the noise. He said that the plantings would be done in cooperation with the Shade Tree Commission and that Soil erosion has to meet the approval of the Borough and Bergen County. He also said that the traffic is not for the Board to consider because the property has been rezoned for a higher-population situation. It could be considered if the applicant were asking to increase the number of units but not in this case. Discussion between Mr. Whittaker and Mr. Rupp.

Keith Kobeck asked for the number of residents to be housed. He also asked for an explanation of the storm retention system. He then asked how many trucks would be needed for soil moving and was told about 250-300.

Tom Bavone (90 Garfield, Dumont) said that it appears the entrance is before Garfield and asked why it was being paved to that point. Discussion.

Polly Zurlini (37 Pleasant Street) asked how the property and setbacks were chosen. Mr. Martins stated that he was not involved in the project at that time. She asked whose responsibility it is once deer start eating the trees. Mr. Martins explained that the trees were guaranteed for two years. The applicant's attorney stated that MLUL requires a two-year guarantee. Mr. Toronto spoke about the appearance of other United Way properties.

Mr. Anderson asked about the status of the tree ordinance. Mr. Rupp stated that the application was filed prior to the introduction of the ordinance and that the general rule is that land use amendments

BOROUGH OF HAWORTH
PLANNING BOARD
REGULAR MEETING MINUTES
Wednesday, June 19, 2024 at 8 PM

adopted after the filing for an application do not alter the rights at the time of the filing. He said he should look more at the ordinance.

Mayor Wasser asked whether the applicant would be willing to reconsider the percentage of evergreen vs deciduous and was told that it can be altered to a certain extent but that most of the evergreens comply with the standard of zone G and can't be changed. Some additional deciduous trees could be planted.

Tom Kelly stated that the contour lines are not provided in the direction of Dumont. He asked that another entrance/exit be opened to reduce the traffic on Garfield or move the entrance a little bit. He suggested that it was planned to make the traffic go into Dumont. He also asked for some relief in terms of traffic and of drainage and the elevations between the roadway and the development property.

Ms. Albalah asked whether it would make sense to make the exit left-turn only. She was told that signs could be put up but that people would take the path of least resistance.

The Board engineer asked whether all comments in her letter would be complied with and was told that they would. She and the applicant's engineer discussed the specifics of the improvement on Massachusetts. The Board engineer stated that project files were shared with the Dumont engineers.

Councilman Rosenberg spoke about the blockade on Massachusetts Avenue and stated that it is not seen as safe by the emergency services in Haworth. He also said the traffic flow was not meant to inconvenience Dumont but simply that Massachusetts was the best route for the entrance. A sign is planned.

Cynthia Soroka-Dunn asked again about saving some of the trees to help people feel more positive. She was told that trees have been saved.

Scott Gladstein (35 Grant Street) was sworn in and asked if the units are rentals or sales and whether they are pet friendly. He was told that they are rentals and that only service animals are planned for at this time.

The discussion was held as to whether to carry the hearing or continue. Neither the remaining witness nor Mr. Whittaker were available for the July meeting. It was decided that a five-minute break would be taken and then the meeting would continue.

Mr. Virgona (125 River Road, Edgewater) was sworn in and his qualifications as an architect were accepted. He stated that he has developed housing for the United Way and was familiar with all of the standards. He described the five buildings. He explained that the buildings were all one or two stories. The exterior will have a residential look. The buildings all comply with height and other requirements. He stated that the style of the buildings fit the area.

BOROUGH OF HAWORTH
PLANNING BOARD
REGULAR MEETING MINUTES
Wednesday, June 19, 2024 at 8 PM

Councilman Rosenberg asked about sprinkler management on behalf of the Fire Chief. Mr. Virgona said that the buildings would be sprinklered and that there would be sprinkler closets.

Mr. Adler asked about ADA accessibility and was told that all ground floor units would be ADA adaptable. He asked about fire separation and was told there was a minimum of one-hour fire separation between units. He also asked whether the rear of the buildings could be given a more upscale look to make them more attractive to neighbors. Mr. Virgona said that he had no problem adding dormers.

The meeting was opened to the public.

Cynthia Soroka-Dunn asked how far back the buildings are from the street and was told about 20 feet. She asked whether solar or other environmental considerations were made. She was told that the supportive units will have electric stoves but the others will probably have gas.

The meeting was closed to the public and then re-opened.

The Planner asked whether there was any signage planned and was told that only the street number on the building was planned.

The meeting was closed to the public.

The Mayor stated that the intent of the building is that there are several types of affordable housing units. She also restated that Haworth is not trying to dump anything on Dumont; they are neighbors. The stormwater plan was shared with the mayor and engineer. She discussed the paving and said that paving the entirety of Massachusetts would create a speedway.

Councilman Rosenberg stated that the Governing Body does everything it can to keep the residential feeling of the town. He said, however, that market rate drives affordable housing.

Mr. Ezra moved that the Board meet again to learn what is being done about different issues.

Ms. Albalah asked for more clarification on the sidewalk waiver. She said that she was unclear as to why the Borough wouldn't want a sidewalk.

Mr. Anderson asked where the nearest sidewalk was to the area. The Board engineer said that there are no sidewalks in that area.

Mr. Rupp stated that there is no downside to obtaining the easement for the sidewalk. The application does not object. He also said again that if an ordinance is adopted after the filing of an application it is not applicable to that application. He said that there were some exceptions but that he did not feel it was applicable to this application.

BOROUGH OF HAWORTH
PLANNING BOARD
REGULAR MEETING MINUTES
Wednesday, June 19, 2024 at 8 PM

Mr. Contillo asked why the Board would waive the contours. The Board engineer said that the application is meeting existing contours so it doesn't affect 200 feet around it.

Mr. Whittaker restated all of the previously stated stipulations. He will send them to Mr. Rupp.

Mr. Chval moved to approve based on the stipulations and conditions and reserve the easement, second Mr. Ezra. Councilman Rosenberg said that this needs to be done right and that there were a number of issues discussed and that they need to be included in the resolution.

Mr. Chval and Mr. Ezra rescinded their motions.

Councilman Rosenberg moved to direct Board counsel to create a draft resolution to be reviewed by the Board and voted at their July meeting, second Mr. Adler.

Voting: Ayes: Chval, Contillo, Adler, Ezra, Albalah, Rosenberg, Wasser, Pavell, Anderson
Absent: Hirschorn

RESOLUTION (taken before the application)

302 Pine Street – Fernway Builders (Subdivision) Mr. Anderson provided Mr. Rupp with a couple of minor typographical changes for the resolution. Mr. Rupp explained that one change was that at one point lot 4.02 appeared as 40.02 and that paragraph 12 appeared as paragraph 15. Also, on page 3, paragraph 7, the second sentence and paragraph 11 on page 8 small changes are made to indicate that the steep slope areas are relatively minor and manmade.

Dr. Pavell moved to adopt the resolution, second Mr. Chval.

Vote: Ayes: Dr. Pavell, Mr. Chval, Mr. Contillo, Mr. Ezra, Councilman Rosenberg, Mayor Wasser, Mr. Anderson
No Vote: Ms. Albalah, Mr. Adler

OLD BUSINESS none

NEW BUSINESS none

ADJOURNMENT Mr. Adler moved to adjourn, second Mayor Wasser. All in favor. Meeting adjourned at 11:30 pm.

Respectfully submitted,

Marti Francis
Board Secretary