



BOROUGH OF HAWORTH

300 Haworth Avenue

Haworth, NJ 07641

REGULAR PLANNING BOARD MEETING

MINUTES

Wednesday, December 20, 2023 at 8 PM

CALL TO ORDER Acting Chair Ms. Albalah called the meeting to order at 8:12 pm with the open public meetings announcement.

PUBLIC ANNOUCEMENT

ROLL CALL Upon calling the roll it was established that the following were present: Mr. Contillo, Dr. Pavell, Mayor Wasser, Mr. Anderson, Councilperson Rosenberg, Mr. Ezra, Vice Chair Albalah. Chair Troy joined the meeting later via Zoom.

The following were absent: Mr. Adler, Ms. Mitra, Mr. Hirschhorn.

Mr. D'Anton, attorney for the Planning Board, was in attendance, as was the Board engineer, Mr. Vince. The Board attorney announced that there was a quorum.

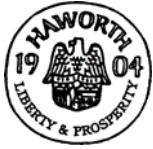
MINUTES FOR APPROVAL

Dr. Pavell moved to approve the October 18, 2023, Minutes, second Mr. Ezra. Mr. Anderson made the correction on page 2 that "he" should be changed to "the Environmental Commission." All in favor. Carried.

APPLICATIONS

287 Lake Shore Dr. – Subdivision. Matthew Capizzi came forward to represent the applicant for the subdivision of a single-family lot in the C Zone. He stated that it is the only lot in the zone that does not sit on Anstatt Way and that lot is more similar to the A Zone across the street. Lot width and lot area variances will be needed. An engineer, architect, and planner will testify. The Board attorney stated that the application has been properly noticed and served. The application is marked A1, the proof of service is marked A2, the 11/16/23 letter from Joseph Vince is marked B1. Mr. Troy joined the meeting at this point via telephone.

Mr. Martins, engineer for the applicant, and whose office is located at 55 Walnut Street in Norwood, was qualified by the applicant's attorney and accepted. He was sworn in. The 8/1/23 minor subdivision plat was marked A3. The 8/1/23 colorized site plan was marked A4; the 8/1/23 soil erosion was marked A5. The 8/19/21 survey boundary and topographic was marked A6. All materials were prepared in his office. A signed and sealed version of the survey is available. The current property was described. It is currently occupied by a single-family house on the easterly side. The property is gently sloped. There are no drainage improvements



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currently. To the north of the property is an irregular lot that wraps around this lot and is known as "Lot 12." There is a multifamily development about 20 feet to the north. The engineer referred to a right of way on lot 12. The Board attorney questioned that designation. The engineer referred to a preliminary and final site plan for Lake Shore Development (which was created on 10/29/21 and marked A7) and for which the applicant's attorney filed an OPRA. He said that on A7 it is indicated as a path rather than a right of way. Lot 12 is owned by Lake Shore Development, who owns the adjoining property.

The proposal is to divide the property into two not entirely equal halves (westerly 11.01 with 14,624 square feet and easterly 11.02 with 13626 square feet). Lot area and width variances will be required for both lots. The nonconformity will not be exacerbated by the subdivision. The subdivision will include a road widening dedication of about 1,800 square feet.

The engineer referred to exhibit A4 and described the building that is planned for the new lot. It will be conforming. As far as drainage, seepage pits are planned. There is nothing exceptional about the grading. The revegetation could be accomplished on either lot.

Mr. Anderson asked whether there is enough room to replant the 8 trees that are planned to be removed and was told that there is.

Proposed 11.02 is the lot on which the house sits and is existing nonconforming.

The applicant's attorney has reviewed the Board engineer's comments and has no issues with them.

The Board attorney asked how the sewage would be removed from 11.01. The engineer stated that it would possibly be rerouted along the property line to the east. If not, perhaps a pump station would be added. The attorney pointed out that the impervious coverage would be affected and that 11.02 might need an easement. He asked whether the 2 trees on the northerly line or the 3 trees closest to the center line would be removed and was told that they would not. Mr. Anderson pointed out that the trees to be removed are marked with Xs.

The Board engineer said that it was possible that a couple more trees could come out. He suggested possibly putting the infrastructure in before the subdivision is completed. Mr. Capizzi said that the easements and such could be spelled out in the subdivision document.

Mayor Wasser asked whether it was possible to anticipate which solution would be chosen and was told that it was not.

Ms. Albalah asked whether the existing house was to remain and was told that it was intended to remain, at least for now.



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The meeting was opened to the public for questions for the applicant's engineer.

Janet Gallagher (Lake Shore) said that her main problem is the sewage and asked that it be noted that a lot of trees were already taken down on that property.

Victor Filletti, whose office is located at 143 Terrace Street in Haworth was qualified as architect for the applicant and was accepted. He was sworn in.

The front rendering of the proposed house was marked A8. The side view rendering with garage was marked A9. The cellar floor plan was marked A10. The first floor plan was marked A11. The second floor plan was marked A12. The front and side elevations were marked A13. These were all prepared by him or under his direction.

The Board attorney asked whether this was a possible house or a house to be built. Mr. Capizzi asked his client and stated that this house is planned to be built if the application is approved.

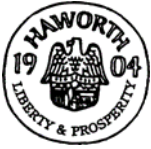
The plans were reviewed and described by the architect. The roof will be asphalt shingle. The house, not including the cellar or attic, will be 4461 square feet. The exterior will be stucco and stone with contemporary windows. The architect said that he designs many homes in town and the house style will go well with the street.

Mr. Rosenberg and Mayor Wasser pointed out that the homes on Lake Shore do not look like the proposed house.

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

Suzanne Kaechele (311 Lake Shore Drive) asked whether the redwood tree near the pump station would be coming down. She was told that it was not intended to be taken down, but that it could possibly. Mr. Vince stated that there were roots where there was digging for the pump station and that this tree could be lost. She asked what the distance is between the new house and the existing house and was told about 100 feet. She asked the distance between the proposed house and her property line and was told about 17 feet. She asked the distance between the new house and Lake Shore Drive and was told 32.92 feet. She asked for clarification about the road widening and was told that the pavement was not being increased but that the Borough was being given right of way. She said that since the development and the trees were taken down there is a big pool of water near her house whenever it rains. She voiced concern about the drainage. The Board attorney asked the Board engineer and confirmed that the water would have to be contained on the property.

Ruth Pace (353 Lake Shore Drive) asked for further clarification about the road widening and future implications. Discussion.



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Mr. Contillo asked that it be clarified that the public could at some point make statements and not just ask questions.

Kathryn Gregory (96 Linwood Place, Ft. Lee) was qualified, accepted as a professional planner, and sworn in.

She stated that she had reviewed the plans and did a site walk. She spoke about the F Zone on three sides of this parcel and that it faces the A Zone. She said that it was included in the C Zone for simplicity to avoid spot zoning but that it was always nonconforming.

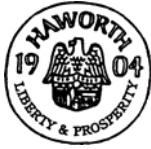
An 8 1/2 x 11 of existing conditions and surrounding neighborhood characteristics prepared in December 2023 was marked A14. No modifications were made to the aerials or the Google maps. This was not made available to the public 10 days prior. Copies were shared around the room. The sheet was described and explained. The existing and proposed houses were outlined to make it clear that the subdivided lot really faces the A Zone and no longer abuts the C Zone. She said that the proposed house fills the hole in the donut and acts as a buffer to the multi-family dwellings. She reviewed all of the variances needed. She said that this could be a possible C1C2 variance because of the unique situation of this property and its zoning (the only C lot surrounded by the A and F Zones). She also said that the positives outweighed the negatives. She spoke about the Kaufman case and the change in the neighborhood with the advent of the F Zone. She spoke about the separation from the C Zone.

She spoke about the positive criteria of the subdivision in that it would help with the housing shortage by a house and completing the street scape and that there is no significant detriment. She also said that it matches what was stated in the Master Plan.

Mr. Anderson asked what the benefit was to the Borough other than the additional housing. Ms. Gregory said that the addition of the house would make the area look more like a neighborhood.

Mayor Wasser asked why the structure is so close to #311 and so far from the other structure. Ms. Gregory said that one reason is the side driveway but that the architect and engineer would have to be asked for additional reasons. Discussion. Mr. Capizzi said that the concern would be taken under consideration.

Mr. Contillo asked why the applicant was granting feet to the Borough and was told that it was due to a town ordinance. He then asked about the lot sizes of the property across the street. Ms. Gregory read the sizes. Discussion. She said that rezoning the lot in question should have been a consideration.



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Ms. Albalah asked if the applicant had considered dividing the lots less equally. Mr. Capizzi said that this could be looked at and that it would have to be determined what shifting the lot line would do.

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

Ms. Kaechele (311 Lake Shore Drive) asked for clarification for how this property is not on the C Zone. She also asked how the paper street became a lot. Discussion. Councilman Rosenberg explained paper streets and that it doesn't look like this was one.

The meeting was opened to the public for statements. The public is no longer required to ask questions.

Mr. Capizzi would like to talk to his client to discuss possibly making alterations.

Alfred Martinez (280 Lake Shore Drive) stated that he would like the dust to be mitigated. He asked how long the construction would take and was told that it would probably be 8-12 months. He asked how the builder would secure finances, because sometimes builders have to stop building. He was told that these were questions for when the house was being built.

Janet Gallagher (290 Lake Shore Drive) stated her concern for taking one undersized lots and creating two undersized lots. She said that the road is very dangerous right there and that the sewage problem is huge and the water table is high.

A five-minute recess was taken.

Mr. Capizzi returned and the meeting was resumed. He asked that the application be carried to the next meeting. The Board attorney suggested that he show what will be planted, as well as the redwood and the sanitary system.

The Board is in favor of carrying the application to the January 17 meeting without further notice.

INVOICES FOR APPROVAL - TBD

Schwanewede Hals & Vince	287 Lake Shore Dr. -10/23-11/16/2023 (Escrow)	907.50
John D'Anton	Meeting attendance -10/18/2023	\$250.00
Martha Francis	Meeting attendance & minutes -10/18/2023	\$250.00
	TOTAL	\$1407.50

Mr. Anderson moved to approve the invoices, second Mr. Ezra. All in favor. Carried.



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Mr. Rosenberg moved that the chair be authorized to sign vouchers for approval, second Mayor Wasser. All in favor. Carried.

OLD BUSINESS

NEW BUSINESS

Appointment of Conflict Engineer; the CV and rates were distributed in the packet. Dr. Pavell moved to appoint a conflict engineer whose firm is on the Borough approved list, second Councilman Rosenberg. All in favor. Carried.

Discussion of whether to move the meeting time from 8:00 to 7:30. There was no conclusive decision so it will remain at 8:00.

It had been suggested by Mr. Adler that the February 21 meeting be changed. The Board attorney said that it was too early to make such decisions and that he is unavailable on 2/28. Mr. Anderson moved to approve the following 2024 Planning Board Meeting Schedule, second Ezra. All in favor. Carried.

Planning Board (3rd Wednesday of the month at 8pm)		
January 17	February 21	March 20
April 17	May 15	June 19
July 17	August 21	September 18
October 16	November 20	December 18

The Board attorney said that if someone’s term is up the person should advise if he or she wishes to continue.

OPEN MEETING TO PUBLIC

ADJOURNMENT Mayor Wasser moved to adjourn, second Mr. Ezra. All in favor. Meeting adjourned at 10:20 pm.

Next scheduled Re-Organization and Regular Meeting
January 17, 2024

Respectfully submitted,

Martha Francis
Board Secretary