

77. Regular Meeting of the Haworth Planning Board on November 20, 2019, at the Municipal Center.

PRESENT Bernard Troy, Chairman
Edmond Ezra, Public Official
Amy Albalah
Andrew Anderson, Vice Chairman
Leona Kosmac, Secretary/Treasurer
Nancy Minikes

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

ABSENT: Andrew Rosenberg, Council Liaison
Mark Kronfeld,
Tae Chang

Mr. Troy called the meeting to order and upon roll call, the above members were present. Councilman Rosenberg gave notice that he would not be able to attend.

Due notice of this meeting was given in accordance with the New Jersey Open Public Meetings Act.

In essence, the following transpired.

ACCEPTANCE OF THE MINUTES

The minutes of the October 2019 minutes were reviewed.

Ms. Kosmac asked that she receive hard copies going forward.

78. Regular Meeting of the Haworth Planning Board on November 20, 2019, at the Municipal Center.

Mrs. Minikes referred to page 74, fourth paragraph and said she thought that Mr. Olivo had stated that they were going to keep as many trees as they could and asked that the minutes be amended.

Mr. Olivo was in the room but did not comment.

Mr. Ezra moved to accept the minutes as amended.

Seconded by Mrs. Albalah and unanimously carried.

CORRESPONDENCE

- Mr. Troy stated that all correspondence referred to the application before the Board this evening.

LAND USE ORDINANCES

Mrs. Reiter reviewed the proposed Ordinances. She said that they had to do a consistency review and she explained the process. They also had to make a determination with regard to the Master Plan. Mrs. Reiter stated that there were six (6) Ordinances before them this evening - all regarding Affordable Housing within the Borough's Housing Element. She asked the Board keep that in their mind when they were going through the Ordinances. Mrs. Reiter reviewed them and the zoning changes. She explained that the new Affordable Housing Ordinance replaces the existing one. The accessory apartments shall meet the Borough's obligation in very specific areas. Accessory apartments in the business zone would have a mixed Ordinance.

Mrs. Reiter and Mr. D'Anton talked about how the Board cooperated with COAH as well as the Borough's continuing consistency moving forward. She said that all Ordinances were in conformance with the Fair Share Settlement Agreement and they were moving towards their compliance. Mrs. Reiter stated that the Ordinances were the last things to be done.

Upon questioning by Ms. Kosmac and Mr. Anderson, the following statements were made.

79. Regular Meeting of the Haworth Planning Board on November 20, 2019, at the Municipal Center.

Mrs. Reiter explained the process and went over some of the choices for what could happen with the accessory apartments at the end of 10 years. She said that the property owners could renew and extend the Deed restrictions, or they would have an accessory apartment which would not be a permitted use any more. The property owners would have to come back before the Board to request a variance. Mrs. Reiter said that in 10 years, the property owner could go apply for an accessory apartment or make it part of their house. The Board could make a recommendation to have that kind of language in the Ordinance. She explained.

Mrs. Reiter said the property owners would not have a situation in 10 years which would allow these apartments to create two-family houses. The owners would have the option to sell and the new owner would have the option to make it the way it was before. Mrs. Reiter said that the space could be converted back since it was not a substantive change. She said that was the purpose of the language. Mrs. Reiter reminded the Board that the home owners could not choose the tenant for their accessory apartment.

Mr. Troy then authorized Mr. D'Anton to discuss with Counsel the points which had been made.

Mr. D'Anton stated that he felt the purpose of the Ordinance was being missed. He said that it deals with the elimination of the approval accessory apartment. He asked if he should go to the Mayor and Council to discuss what to do in the circumstance that the property owner wants to remove it. He said they would need a permit.

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

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

Mr. Troy then entertained a motion to approve the Ordinances since the fact was that they agreed with the Board Planner that the Ordinances were consistent with the Master Plan and counsel would refer them to the Governing Body.

Mr. Ezra so moved.

Seconded by Mrs. Minikes and upon roll call, the vote went as follows: Yes – Mr. Ezra, Mrs. Minikes, Mrs. Albalah, Mr. Anderson, Ms. Kosmac, and Mr. Troy; No – none; Abstain – Mayor Ference. Motion carried.

80. Regular Meeting of the Haworth Planning Board on November 20, 2019, at the Municipal Center.

Mr. Troy stated that Counsel would prepare a Resolution and it would be provided to the Governing Body.

LAKE SHORE DEVELOPERS SITE PLAN APPROVAL APPLICATION (continued)

Mr. Troy announced that since the last meeting of this Board, they have received comments from the Police and Fire Departments, as well as the Environmental Commission.

Mr. DeVecchio stated that he did not receive all of the comments.

The following Exhibits were marked into evidence:

- A-16 Stonefield Summary Changes of 10 sheets dated 11/6/19
- A-17 Revised sheets A and B dated 11/14/19
- A-18 Official Survey dated 11/2/19
- A-19 Stonefield Wetlands Permeating Results dated 8/14/19
- A-20 Zampolin Report consisting of 4 sheets dated 8/22/10
- A-21 Stonefield Storm Water Report dated 10/23/19
- A-22 Stonefield Vehicle Turning Exhibit dated 10/28/19
- A-23 Stonefield Fire Truck Turning Exhibit dated 10/28/19
- A-24 Site Plan containing 20 sheets dated 11/16/19
- A-25 Building Height Exhibit revised 11/6/19
- A-26 Environmental Assessment Report dated 11/16/19
- A-27 Stonefield Response to Prior Comments dated 11/6/19
- A-28 Summary of Changes

Mr. D'Anton announced that the Board had received reports from various agencies and the following Exhibits were marked into evidence:

- B-2 Report dated 11/17/19 from Chief Connor of the Haworth Fire Department
- B-3 Letter dated 11/18/19 from Chief Gracey of the Haworth Police
 - o Department

Mr. DeVecchio stated that based upon the letter from Mr. Vince dated 11/14/19, he felt that he may not have received some of the additional document.

81. Regular Meeting of the Haworth Planning Board on November 20, 2019, at the Municipal Center.

Mr. Olivo referred to the exhibits from Stonefield, which he prepared since the last meeting and said his intent was to respond to the comments. Mr. Olivo stated that substantial components of the Plan have not changed but there were a number of refinements and all related to variances. His responses included the following.

Mr. Olivo said that a number of patios would not exceed beyond Code. He referred to Exhibit A-13. Buildings D and C have patio areas which are recessed. Building G had patio areas which were slightly different and they were redesigned to eliminate variances. He said he reviewed Section 904.1G of the Code – Parking Area, which needs no less than 5% landscaping. He said it does not talk about any part of the aggregate and it does meet the 5% required; therefore, no variance is required. Mr. Olivo said he did another review and other changes were made to the Plan.

Mr. Olivo referred to Exhibit A-24, sheet C-4, which is the Site Plan sheet. The Development Program was the same as it was at the last meeting and the Board requested that it indicated the fire hydrants. He said they were shown at the north and south near Building D and were indicated on the Plan. Also, there was a fence on the west and south of the property and it would continue a retaining wall beyond Buildings F and G as was indicated on the Plan. He stated that no variances were required for building G.

Mr. Olivo said there have been some modifications in the Plan for the aisles so that fire apparatus would be able to circulate the property. He said there was a roadway which would run to the northerly property line and to fully go along with RSIS. Mr. Olivo said it would be an operational and approved paved road. He talked about the easement, which was shown on the Plan so that they could have access over the roadway.

Mr. DelVecchio said they were referring to the letter dated 11/14/19.

Mr. Olivo stated that it was an improved roadway. He said that there were a number of notations and they went through every single point and comment and all would be addressed. He said that the Ordinance does not define what a parking lot is and the Board would have to make a determination if the variance was necessary and if it would be a burden. Mr. Olivo said that if they were over-parked, they should eliminate one space. He said he would leave it up to the Board.

Mr. D'Anton referred to Section 26-90416 and said that all the parking applies to all areas as a single feature. He asked if they had more or less than the amount of landscaping required.

82. Regular Meeting of the Haworth
Planning Board on November 20,
2019, at the Municipal Center.

Mr. Vince said he thought, "Yes." And, Mr. D'Anton said that he had to consider whether Mr. Olivo interpreted if this was consistent or not with the Ordinance that Mr. Vince laid out.

Mr. DeVecchio stated that if there were any inconsistencies, they would clear them up. He referred to Section 26-9087 – Street Right-of-Way, and said it was not applicable.

There was discussion about Chapter 26 of the Code, which applied to Zone F and Zone F regulations and he said that one of those provisions stated that the Code was not applicable to this property.

Mr. Vince agreed.

Mr. DeVecchio said that the road had existed that way for many years and will continue. There was continued discussion. He said that they did not have a 50-ft. Right-of-Way and when someone come in for an application, they did not have to dedicate land. Mr. DeVecchio further stated that Zone F says that unless something is in the ordinance, it did not apply.

Mr. D'Anton stated that if the Borough wanted to widen the road, it would be required to be changed. He said he would get back to the applicant.

Mr. DeVecchio referred to comment #19 and said it was pseudo legal. As far as the easement, there were no details for the creation of slope rights. He said they had the ability to maintain slopes and they had to provide adequate space to allow Roden Way to exist without implications. Mr. DeVecchio said it was merely a filed map.

There was discussion about Roden Way and a possible cul de sac. They thought that there had been a subdivision to improve Roden Way.

Mr. DeVecchio said they were addressing the layout of the parking area and it was pursuant to table 4.6 of RSIS. Mr. Olivo said it referred to the circulation of the parking area aisle.

There was discussion about the dimensions of the area at the pond location and Mr. Olivo said it was wider off the driveway and vehicles would be able to move through that area safely. He said that certain areas would be 15 ft. Mr. Olivo said that automobiles would be able to safely maneuver in these areas. He said that this was a low-traffic generator because of the number of units. The aisles would be delineated and Stop

83. Regular Meeting of the Haworth Planning Board on November 20, 2019, at the Municipal Center.

signs would be utilized and controlled properly. Mr. Olivo said there would be a turning template for emergency vehicles and all of those vehicles must be able to circulate.

Mr. Vince stated that there were 6 areas which needed to be painted out. He said the cars would need a 15-ft. radius to turn around. He elaborated. If they were 15 ft., they would approve the *di minimis* exception.

Mr. Olivo said they would comply.

Mr. DeVecchio referred to comment #22 and said it had no impact to the Plan. He referred to comment #23 and said the A and B units were updated..

Mr. Vince stated that they want all of it shown on the Plans so that the Plans would become a record.

Mr. DeVecchio said that the architectural plans had been updated relating to patios for 2 units in Building C.

Mr. Olivo said they proposed to have recessed patios and they would be happy to make adjustments.

Mr. Olivo said that with regard to the Police Department letter, no action would be taken since the proposed 132 parking spaces would exceed their requirements.

Patios and air conditioner pads are shown on the Plan along with calculations

Water comments were addressed on a separate sheet on the Plans. Mr. Vince said that they did have problems listed at all designations

Mr. Olivo said that all Riparian buffers would be labeled as referenced in comment #28. Similar comments relating to Riparian buffers would be labeled. Comments #29 and 31 would go hand-in-hand. They referred to flood elevations with the pond.

84. Regular Meeting of the Haworth Planning Board on November 20, 2019, at the Municipal Center.

Mr. Olivo said he went through the various permits and the information had been provided to the engineer. He said they were happy to include that as well. Mr. Olivo explained that the DEP was reviewing the landscaping species and the Storm Water Management. He said there were comments about the pond, and they did a preliminary analysis for a 100-year Storm. Mr. Olivo said that they wanted to insure that the roadways and home floors were finished since they would be below an elevation of 25 ft. He said they would be above the requirements and based on the design, they were able to provide for the storm and make all calculations.

Mr. Olivo talked about vehicle circulation for fire trucks and referred to Exhibit A-23. He said they measured a Fire Emergency vehicle on 11/20/19 and the vehicle was 34 ft. long and 10 ft. wide and they indicated that the vehicle would be able to enter the driveway without a problem. It would also be able to enter into the parking area to access buildings A and B and it could go around between buildings D and E and continue through areas of buildings F, G, and H within a circular aisle and continue out the driveway. He elaborated. Their exhibits on this issue were computer aided, which it considered the worse-case scenarios. Mr. Olivo said that the document was submitted on 10/28/19 and marked as Exhibit A-23.

Mr. Troy referred to Fire Chief Connor. Chief Connor said that they were only asked for certain dimensions of the emergency fire vehicles. He said that they did not take a lot of equipment carried on the trucks into account. Chief Connor gave examples.

There was discussion.

Mayor Ference stated that he would like to have a physical examination of the emergency vehicles and a discussion with all of the people involved. Chief Connor talked about everything they needed to consider in their calculations.

It was noted that the Fire Department needed to set standards, they required that certain dimensions be recommended, and changes created. He pointed out that the acute angles had to be addressed.

There was discussion about what would be required for the island, entrance, driveways, curbs, etc.

Mr. Vince asked them if they made changes to the entrance and he was told that there was only a new exhibit for the travel pad. There were no changes to the entrance and they said they met the standards and required only a *di minimis* change. They went over the dimensions of the entrance and there was discussion

85. Regular Meeting of the Haworth Planning Board on November 20, 2019, at the Municipal Center.

Mr. Vince asked if they could slide the island back or have it eliminated.

Mr. Olivo responded that they could not eliminate the island.

Mr. Vince explained that the curb should be perpendicular but it was not and it had an acute angle. He pointed out that it needed to meet RSIS standards.

There was a lengthy discussion about removing the island and also about who was responsible for certain areas. Mr. Vince said that his opinion was that the driveway could be turned a little bit better. He said that most traffic came off Lake Shore Drive and if the driveway was aligned a little bit, it would be easier for travel.

Mr. D'Anton suggested to Mr. Vince that he meet with the Chief and have a discussion since his guys operate the trucks.

There was additional discussion and Mr. DeVecchio said they would be happy to have their engineers meet with Mr. Vince and the Fire Department.

Mayor Ference pointed out that the traffic issue was resolvable and both the Borough and developer had to deal with it.

There was additional discussion and recommendations were made about restriping and putting in double lines in some areas, moving the Stop sign, and putting in other pavement markings.

Mr. DeVecchio said that he wanted to answer the Mayor's concerns about the Lake Shore Drive intersection. He asked the Mayor what he thought in terms of improvement at the intersection that could be put into place. Also, he said that with speaking about levels of traffic, the area generated low traffic.

Mayor Ference responded that although it might have low traffic generated, there were high incidents and it was relative to its flow. Mayor Ference said they were in discussion with the railroad about how to improve the Stop sign so they might as well address all of these other issues.

They went over the other comments including the driveway, the garage, parking, striping, grading, icing and water conditions, and other issues.

86. Regular Meeting of the Haworth Planning Board on November 20, 2019, at the Municipal Center.

Mr. Olivo talked about driveway improvements. He said that they would seek a *di minimis* exception. He said a 20-ft. road was a different type of entrance driveway to the site. Mr. Olivo said they were going to make improvements to allow for emergency vehicles. He said that fire trucks could navigate on the southerly side of the road on Lake Shore Drive.

There was discussion about the request to have lanes to accommodate a 19 ft. long vehicle, a 16 ft. car, and even a large pick-up truck. It was recommended to have a hammerhead to have more movability.

Mr. DeVecchio said they would agree to that. He said it was a small bump out.

Mr. Olivo responded that they could work with some of the ideas but he felt that now they were creating impediments. He said they would work up something but some things would not have a positive effect on traffic.

Mr. Vince said they needed a curb to keep the driveways separate.

There was another lengthy discussion.

Mr. D'Anton pointed out that Lake Shore Drive's right-of-way was too steep; and, Mr. Vince explained that it was the area behind the roadway.

Mr. DeVecchio said that they were trying to improve it but he did not know if they had the ability since it was off the property.

Mr. Vince said that on Roden Way, it was on their property and on Lake Shore Drive, it was in the right-of-way.

There was discussion about sidewalks, where they would be going on the subject property, and if anyone would be using them.

Mr. Olivo said that it spoke to a greater plan, the amount of activity, etc.. He elaborated. He said that they were providing sidewalks and Mr. D'Anton said that the Lake Shore Drive right-of-way was too steep.

Mr. DeVecchio stated that it existed today and they were trying to improve it.

Mr. Vince said that they would like to get in 1. or 2 more feet.

Mr. Troy stated that the Board would seek their engineer's comments.

87. Regular Meeting of the Haworth Planning Board on November 20, 2019, at the Municipal Center.

Mr. Vince stated that he did not see a problem with eliminating the sidewalk on Lake Shore Drive.

Mr. Troy call a short break.

Mr. Troy reopened the meeting.

Mr. Olivo, Mr. Vince, Chief Connor, and Deputy Chief Hennion had a discussion about the existing fire hydrants. Mr. Olivo referred to Exhibit B-2, sheet C4. He said they were proposing a hydrant across from Building B and the northerly corner of Building D. He said that the third one should be no more than 200 ft. apart.

There was discussion with Chief Connor about the size of the mains at Roden Way and he responded that it was a dead end. He suggested coming in off of Lake Shore Drive as well as Roden Way with two mains. Chief Connor elaborated.

Deputy Chief Hennion said that they needed a 72-inch main which went down Lake Shore Drive to the Swim Club, and which could be connected. He explained that if two trucks hooked up to one main, they would be sucked dry. He suggested one off of Lake Shore Drive's corner into where the first hydrant was located. He elaborated. Chief Connor and Deputy Chief Hennion made it very clear that they could not jeopardize the safety of their men.

There was discussion about the reasons for not showing the sprinklers.

Mr. Olivo said that this would all be shown on the next set of plans. He said they would have to see if it complied with RSIS. Mr. Olivo said that they could potentially relocate a hydrant.

The architect talked about fire walls. They were told that all buildings had 100% sprinkler systems and concealed space in the attic.

Chief Connor had concerns that once they had one hole, the space would be open.

There was discussion about what they would have to do.

88. Regular Meeting of the Haworth Planning Board on November 20, 2019, at the Municipal Center.

There was discussion about parking and Mr. Olivo said there would be no parking on internal roads. He said that they would have more than enough parking spaces; all utilities would be underground, and the roadway would be able to accommodate fire vehicles.

Chief Connor reminded them that the trucks weighed approximately 90,000 pounds.

There was discussion about snow removal and Mr. Olivo stated there would be no gravel or pavers.

Mr. D'Anton stated that Andrew Reitemeyer would have comments on behalf of the Ambulance Corp at the next meeting.

There was additional discussion about sidewalks and Mr. D'Anton asked Mr. Vince to talk to Mr. Olivo about this matter.

There was discussion about inlets and Mr. Vince asked if they could move them to the other side of the street. He gave some examples.

Mr. Olivo said that they would work on it.

There was discussion about the Lighting Plan. Mr. Vince asked if they were able to take the light poles on the southerly side of the roadway and possibly move them to the northerly side and shield it on the back side.

Mr. Olivo responded that they were LED fixtures and they could try to dim them to minimize the spillage.

Mr. DeVecchio stated that they would comply.

The deer fence was discussed. Mr. Vince suggested that the proposed 6 ft. board-on-board fence be brought to 8 ft.

Mr. Olivo asked if he meant having netting attached to the 6 ft. fence taking it to 8 ft. He said that they would show all details as well as the netting on the drawings.

Mr. D'Anton asked if all of this would be maintained by the condominium association and Mr. Olivo responded that it would all be part of the common element.

Mr. DeVecchio mentioned that a request had been made to consider putting a deer fence in the location for the protection of the landscaping.

89. Regular Meeting of the Haworth Planning Board on November 20, 2019, at the Municipal Center.

Mr. Olivo then talked about the hand rail at Building B on the north side. He said that it was a low 12-ft. wall and and they would be able to have clear access.

Mr. Vince stated that most of it was fence but part of it bumped out. He elaborated. He then suggested a retaining wall for the building.

Mr. Olivo referred to another comment and said that they would comply with ADA regulations and have a ramp.

He also said that they would comply with the size of the sewer.

There was discussion about signage and Mr. DelVecchio said they would make changes and all would be similar. He said that they would insure that the details and Plans matched.

Mr. D'Anton referred to comment #74 and said that it said the proposed system interfered with curb lines.

Mr. Olivo said that they had to move it from where it was located.

Mr. Vince pointed out that the edge of the system was out in the road and Mr. Olivo said they would fix it.

In response to questions from Mrs. Minikes and Mrs. Albalah, the following statements were made.

Mr. Olivo then stated that the ADA units shall be shown without steps and they were checking the Grading Plan. He said that the grade would all be flush.

Mr. Olivo stated that the COAH units would have parking in the front of Buildings A and B and they would not have have assigned parking in any way. He said that they would not be designated or marked.

Mr. DelVecchio said that he would like to have Mr. Zampolin complete his testimony and it would include impervious coverage.

Mr. D'Anton stated that he preferred having Mr. Zampolin give testimony when the public would have enough time to ask questions.

90. Regular Meeting of the Haworth Planning Board on November 20, 2019, at the Municipal Center.

Mr. DeVecchio noted that Mr. Zampolin had prepared Exhibit A-4.1, dated 11/4/19. He said the 9 COAH units were correct with 1 one-bedroom unit, 3 three-bedroom units, and 5 two-bedroom units. He said the A units would remain but there would be one change. He also explained that they had 4 two-bedroom units and 1 ADA unit. Mr. DeVecchio said that the number of bedrooms and units had been corrected.

Mr. Troy stated that he wanted to have as many of the areas discussed this evening in order to be able to work them out and then discuss them at the next meeting.

Deputy Chief Gracey asked the applicant to respond to and answer their concerns and questions on the record at the next meeting.

Mr. DeVecchio said that in response to the Police Department's questions in their letter, the decisions about Lake Shore Drive's addresses would be up to the Post Master; the buildings would be hooked up to a central station alarm designed by the home owners association; the parking would be fair; the site distance was adequate; and, the secondary aisles would be fully paved but they were not proposing any access control.

It was noted that Mr. Troy was not able to locate the report from the Environmental Commission at this time. He said he would look into it.

Mr. DeVecchio stated that there had been no petitions, no letters from neighbors or anyone else with their opinions.

Mr. Olivo was asked to respond at the next meeting to the Environmental Access Report. In particular, the Board had received, as part of the report from the Department of Environmental Protection's office of Natural Lands, information about species and habitats and they would like to have it addressed.

Mr. Olivo stated that they did not exist on this site.

Mr. Troy advised them that the Board would be questioning this matter at the next meeting on December 18, 2019, at 8 p.m., and it would be without further notice.

Mayor Ference stated that in view of the lateness, he thanked the Board for passing the Ordinances this evening.

