

Special meeting of the Haworth Planning Board on October 28, 2019, at the Municipal Center.

**PRESENT** Bernard Troy, Chairman  
 Thomas Ference, Mayor  
 Andrew Rosenberg, Council Liaison  
 Edmond Ezra, Public Official  
 Amy Albalah  
 Andrew Anderson, Vice Chairman  
 Leona Kosmac, Secretary/Treasurer  
 Mark Kronfeld,  
 Nancy Minikes  
 Tae Chang, Alternate 1

John D'Anton, Board Attorney  
 Caroline Reiter, Board Planner

**ABSENT:** Dennis Posen

Joseph Vince, Board Engineer

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

Mr. Posen was not in attendance since he tendered his resignation. Mr. Posen said that he would continue as Chairman of the Zoning Board but his schedule would not allow both.

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**

It was noted that page 55, last paragraph from bottom, should be amended to read, "Mayor Ference, Mr. Anderson and Mr. Kronfeld were not eligible to vote since they were absent at the July 2019 meeting." Also, remove his name from voting, "No."

Special meeting of the Haworth Planning Board on October 28, 2019, at the Municipal Center.

Mr. Ezra moved to accept the minutes as amended, subject to the rights of absent members to correct statements directly attributed to them.

Seconded by Mr. Anderson and unanimously carried.

### **CORRESPONDENCE**

Mr. Troy noted that there was correspondence relating to the application before the Board this evening.

### **PRELIMINARY AND FINAL SITE PLAN AND SOIL MOVING APPROVAL**

Antimo Del Vecchio, of Beattie and Padovano, in Montvale, New Jersey, appeared on behalf of the applicant.

Mr. D'Anton stated that the notes and publications were in order and the Board had proper jurisdiction to hear this case.

The following exhibits were marked into Evidence:

- A- 1 Application
- A -2 Proof of Service
- A -3 Proof of Publication
- A- 4 Environmental Report Assessment
- A -5 Settlement Agreement
- A- 6 Architect's Plan dated 9/12/19
- A- 7 Stonefield Engineering's Engineer's Plan dated 9/6/19
- A- 8 Fire Truck Circulation Plan
- A- 9 Street Drainage Maps dated 8/14/19
- A10 Stonefield Site Photo Sheets
- A11 Stonefield Storm Water Information Report dated 9/19/19
  
- B-1 Engineer's Report dated 10/24/19

Mr. D'Anton noted that the Department of Public Works and the Police Department had not yet responded.

Special meeting of the Haworth Planning Board on October 28, 2019, at the Municipal Center.

Mr. Del Vecchio stated that he was before the Board for the Preliminary and Final Site Plan approval and Soil Removal Application for 281 Lake Shore Drive, Block 1100 – Lot 12, which consisted of 5.7 acres and was in Zone F – a residential and multi-family zone. He said they would be constructing 41 multi-family units, which included 9 for sale as Affordable Housing units. Mr. Del Vecchio said that the final on-site soil removal plan would be for 5,720 cubic feet. He said that there was a Settlement Agreement and declaratory action and it was settled at a Fairness Hearing by the Honorable Judge Farrington.

Mr. Del Vecchio stated that he was before the Board to seek approval and provide information on the application and how it complied with the Settlement Agreement.

Robert Zampolin, of Westwood, New Jersey was presented as an expert architect. He went over his education, background, certifications, experience and license, which was in good standing.

Mr. D'Anton advised the Board that Mr. Zampolin was qualified to be accepted as an expert architect.

Upon giving testimony and answering questions, Mr. Zampolin in essence stated the following:

Mr. Zampolin stated that he visited the site and reviewed the Borough's Zoning Ordinances. He said that he prepared the rendering and it was a true and accurate rendering of the proposed multi-family structure.

The following Exhibit was marked into Evidence:

- A-12 Architect's Rendering.

He said that their attorney would provide smaller copies to the Board.

Mr. Zampolin reviewed the work he did with the engineer and described what was on the rendering, including the different types of units, where they were located, the interiors, the elevators, staircases, the roof, garages, hallways, limited common elements, and architecture. He described the market-value and Affordable Housing units, all having 1, 2, and 3 bedrooms, the numbers for each and their sizes. Mr. Zampolin said that only the Fair Housing units would be ADA accessible and they were not required to have it for the others.

Special meeting of the Haworth Planning Board on October 28, 2019, at the Municipal Center.

Mr. Zampolin stated that there would be a Home Owners' Association and he explained what the residents would do when they took over the association and management.

Mr. Vince had questions about the drawing. He said that some units had steps and some did not.

There was a discussion and Mr. Zampolin said that changes would be made. They would not affect the ingress, egress, parking or the footprint.

Mr. Del Vecchio stated that the Site Plan Engineer would give testimony.

Mr. Zampolin said that the buyers would be able to alter their units prior to sale and there would be an options package for fit and finish.

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

Tom Kaechele, of 311 Lake Shore Drive, asked about what would be facing Lake Shore Drive. He was told that the Site Plan Engineer would answer those questions.

Ofer Benlule, of 287 Lake Shore Drive, asked about the number of air conditioning and heating units and the noise which would come from them.

Mr. D'Anton asked about where they would be located.

Mr. Zampolin responded that they had not yet been designed. He said they would have a screen and buffer and he stipulated that the noise level would be compliant with State laws.

Mr. D'Anton explained that noise was a unique thing. There is an attempt to be controlled properly and to be buffered so they would not be seen.

Susan Kaechele, of 311 Lake Shore Drive, asked about when they would be able to speak with the Site Plan Engineer and she was told how the process worked.

Tom Kaechele asked about the total height of the structures and if they would comply with the height requirements. He also asked about the frontage from the property line to the first structure on the subject property. Mr. Kaechele also asked them to describe the buffer.

Special meeting of the Haworth Planning Board on October 28, 2019, at the Municipal Center.

Cynthia Soroka Dunn, of 85 Whitman Street, asked about acreage.

Mr. Zampolin stated that there were 5.7 acres without the pond but it was part of the application.

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

There were no other questions from the Board.

Charles Olivo, a licensed engineer in civil and traffic engineering, of 92 Park Avenue, Rutherford, New Jersey was presented as an expert engineer. He went over his background, education, experience and license, which was in good standing.

Mr. D'Anton told the Board that Mr. Olivo was an expert in two distinct areas, was certified by regulatory agencies, and was qualified to be accepted as an expert engineer.

Upon giving testimony and answering questions, Mr. Olivo in essence stated the following:

Mr. Olivo stated that he was familiar with the Borough's regulations for each item for Stonefield Engineering that was produced by him.

The following Exhibit was marked into Evidence:

- A-13 Colorized Sheet C-4, which was submitted as part of the Site Plan dated 4/8/19, and prepared by Stonefield Engineering and Design

Mr. Olivo stated that this showed the landscaping in green and the water features in blue. He said he checked with the DEP and filed a number of applications with the NJEP. Mr. Olivo said he met with the DEP dating back to August of last year and the reviewing is ongoing. He said he has submitted an extensive Site Plan and a Storm Water Management Maintenance Manual. The Storm Water Management and Landscaping Management determination was that this site was in a flood hazard area. It is located on site with a DEP classification and buffer areas are required. They described what they would need and said that there were wetlands on the site which needed to be located and then understand the impact. They found some around the perimeter of the pond and along the channel and pavement area

Special meeting of the Haworth Planning Board on October 28, 2019, at the Municipal Center.

Mr. Olivo referred to Exhibit A-7 and went thru each sheet. He said that sheet C-2 shows an asphalt driveway as it exits on the subject property. Mr. Olivo described the map. He said that it also showed pavement going into the site and with these designations, there were certain buffer requirements. Mr. Olivo said that there were also requirements for the pond, channel, and ditch areas, which are man-made. He said that they have already looked at how these areas needed to be treated.

Mr. D'Anton said that these were areas which were disturbed many years ago and had been reviewed by the DEP in 2016 and 2018 when determinations were made.

Mr. Olivo described the pavement area and access driveway. He said there would be an access point to the intersection that was operating and a median area as well in addition to other macadam asphalt areas. He referred to sheet C-3 – Demolition Plan and said that the areas were all asphalt. Mr. Olivo referred to sheet C-4 and said it was variance free per the Board Engineer's letter and he would explain how it was variance free.

Mr. Olivo talked about the buildings Parking and Landscaping Plans. He said they were eliminating the driveway close to the rail crossing. The man-made pond and channel would remain since they were important aesthetic features for the success of the project. Mr. Olivo said that everything surrounding the pond would have heavy plantings with the redevelopment of this project. He described what would be seen when someone entered the site – surface parking. He said they did not need RSIS since they exceeded it. Mr. Olivo explained that there would be 41 units and in addition to that, there would be 132 parking positions on the site and they met all parking needs. He stated that they would have circular aisles and would meet and exceed all of the bulk requirements.

Mr. Olivo said they were off by a couple of feet with the patios but they would be recessing them in order to comply.

Mr. D'Anton asked if the front of each of these buildings was on the side of the parking spaces.

Mr. Olivo responded that in the pond area, the front would be on the other side of the pond.

Mr. Troy asked if there has been any consideration given to another plan and why were the buildings were in that location.

Special meeting of the Haworth Planning Board on October 28, 2019, at the Municipal Center.

Mr. Olivo responded that usually, they work with the features of the land and they look to mimic the property lines. He explained that in this case, they looked at the design feature. He elaborated.

Upon questioning by Mrs. Minikes, Mr. Olivo said that buildings A and B, were located in that particular area because they are 4 units of a particular size, and they had to match each building with the wider and narrow areas.

Mr. Olivo said that the parking spots were 18 ft. wide and the service parking spots were for deliveries and visitors. He said it would work as far as outside access because it was all a common element and would not be restricted

Mr. Olivo said there would be no balconies above ground, some would be part of a unit or a limited common element.

Mr. Vince stated that this matter had to be figured out and noted.

Mr. D'Anton asked if a section of space would be designed for affordable housing units which did not have a garage space.

Mr. Olivo stated that there would be 6 garage spaces for 9 units. He then talked about the topography and said they would be filling a portion of the side. Mr. Olivo said they did a grade-plane analysis for all buildings and have met the requirements.

Mr. Del Vecchio elaborated and said that they satisfied the height requirement of staying under 40 ft.

Mr. Olivo said that a number of walls exceeded the 8- ft. height. He said that looking in from Lake Shore Drive, there was a wall along the west property line, which would be modified. He said they would effectively maintain all of the grades as they exist and the disparity would be less.

Mr. Troy called a short break.

Mr. Olivo referred to sheet C-6. He went over the drainage and the Wetlands Documents and said there would be an extensive review of the drainage and storm water review by the DEP. Mr. Olivo said that they would share the report with the Board. He then went over the DEP requirements from the pre-existing condition to post development. Mr. Olivo talked about the quantity and the quality as well as other requirements for the storm water and the solids removed. Mr. Olivo said that there has been an extensive review of this issue on the site.

Special meeting of the Haworth Planning Board on October 28, 2019, at the Municipal Center.

Mr. Olivo stated that they have met every detail of impervious coverage and unit hydrographs were provided to the DEP. He said that the side sloped to the west and north.

Mr. Del Vecchio said that for a 2-year storm, there would be a 50% reduction.

Mr. D'Anton asked if what they were saying was based upon the type of storm and the amount of water they would have to reduce on the site.

Mr. Olivo said it was and this could not make it worse. He said that in this development, they would have to improve it. Mr. Olivo said that they had an underground system with a 36 inch perforated pipe and he explained how it would work. Mr. Olivo said they also had to consider the aesthetics since it was a planting area and the water would be going into the garden and rain basin from the pavement and it was a water-quality unit.

Mr. Del Vecchio stated that it would take out solids and would require periodic maintenance. He said the system would meet the reduction requirements and then described how the drainage would work in that area.

Mr. Olivo said there would be a demarcation fence on the south side of the wetlands area. He explained that a lot of time and analysis went into determining what had to be done for a rain water event on this property. Mr. Olivo stated that with regard to where the water would collect for Building H, there would be a conveyance pipe, the channel would still be in effect, and there would be a discharge point to the west.

Mr. D'Anton asked if it would be true that the channel would act to move water to the north and off the side.

Mr. Olivo responded that it would all go to the same place but they would slow it down.

Mr. Vince noted that the pond had an overlay.

Mr. Olivo responded that the site was served by the utilities – all of the utilities. He then referred to sheet C-8 and described where the light would be located – a safety issue. Mr. Olivo described the Lighting Plan and went over the Board Engineer's request. He said it was low illumination, but it was safe. It would be 4 to 5 ft. candles by the front door and there were no lights proposed for the W building.

Mr. Vince noted that 60 watt bulbs would be on the patios according to code.

Special meeting of the Haworth Planning Board on October 28, 2019, at the Municipal Center.

Upon questioning by Ms. Kosmac, Mr. Olivo stated that there was a sidewalk area on the west side of the pond but it would not go around the entire perimeter of the pond. He said there was lighting for vehicle access.

Mr. Olivo referred to sheet C-10 and described the proposed trees and shrubs for the site. He said the the DEP was also reviewing the Landscaping Plan from an integrative perspective. The area around the pond was densely planted and vegetated. He said that not only did they have to think about storm water management, but also landscaping. Further, if there was no vegetation and trees, they would be planting it. Mr. Olivo said the evergreens would be 8 ft. high, they would be back out to Lake Shore Drive; and they would be a minimum of 8 ft. high behind building E.

Mayor Ference asked about the use of Willow trees and, Mr. Olivo stated that it would be up to the DEP - but they would look into them.

Upon questioning by Mrs. Albalah about considering wildlife, Mr. Olivo said that if there were deer-resistant plants, they would look into them.

Upon questioning by Mr. Ezra relating to landscaping designed for for youngsters' safety near the pond, Mr. Olivo said that there would be a fence and the landscaping would also lend another layer of protection.

Mr. Olivo referred to sheet C-14, Wetlands Permitted Plan dated 8/14/19. It located the pond and channel. Reference was made to A-15. He said they were seeking permits for the purpose of crossing that standard as long as they met certain requirements. Mr. Olivo said it had to do with the structure where it is slowed down. He said they were seeking a waiver for transition for the total area. He said that it showed where the buildings were located.

Mr. Troy asked for questions from the Board.

Mayor Ference said that looking on the west side in the Settlement Agreement, he had a question about patios as opposed to decks; and, he also had questions about the plantings, which were supposed to be 8 to 10 ft. high. Mayor Ference said they talked about a wall but they were not giving a height.

Mr. Del Vecchio said they had patios which were off-grade and he explained what they were going to do. He said some would be on grade and some would be recessed. Mr. Del Vecchio stated that they were proposing a minimum of 8 ft. walls in the back.

Mayor Ference pointed out that they presently have two traffic circles and he asked if they had plans to make those areas safe.

Special meeting of the Haworth Planning Board on October 28, 2019, at the Municipal Center.

Mr. Olivo said that there was a Stop sign. He suggested that they heighten visuals now. Mr. Olivo said that things might be overgrown around that access point.

Mayor Ference stated that the Board would like to see that shown better on their drawing. He said he would like to know their proposal and also be told who should be talking about making it safe.

Mr. Olivo stated that he could talk about it at the next meeting.

Mr. Troy agreed that Mr. Olivo could do it at the next meeting.

Mayor Ference told them that they should be aware of the BCUA problem relating to the sewage system and the odor on Roden Way. He said that they should also be in touch with the BCUA, and be aware that they may need remediation.

Mr. Anderson reminded Mr. Olivo about the Environmental Assessment Report. He said he would like to get it right. Mr. Anderson then went over the errors on the question and answer sheet and gave some examples.

- Question 1 was answered NO. 26-300 defines Critical Environmental Area Wetlands Area and it should be YES.
- Question 12 says that the water table will not be disturbed.

Mr. Olivo said that there would be excavation areas and he would look into it.

- Question 16 related to service connection.

Mr. Olivo said it would be challenging.

Mr. Anderson suggested putting something in a letter stating they are awaiting information.

- Question 19 says NO. but question 24 says you are removing the existing oil tanks, so it should be a YES.

Mr. Olivo responded that he would have to confer with his client.

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

Special meeting of the Haworth Planning Board on October 28, 2019, at the Municipal Center.

Cyntha Soroka Dunn stated that because of the parking lots, there would be over 80 cars in the development which would be dripping oil. She asked if it would go into the drinking water.

Mr. Olivo responded that this area would discharge to the North West. He said that was why the DEP was reviewing it extensively.

Mrs. Dunn asked about the trees which were going to be kept.

Mr. Olivo said they were going to remove as many as they could and they would provide a planting schedule which would be presented to the Board. He elaborated.

Mrs. Dunn asked if there were any bird species on the property and how they would be protected.

Mr. Olivo responded that they were filing a request with the DEP regarding the existing habitat and wild life to be protected. He said they would find out more about that.

Tom Kaechele asked about the fence, the easement on the West side and the telephone lines going from West to East. He wanted to know the measurements and he also wanted to know where the 3 ft. wall would be located. Mr. Kaechele also asked how the deer would be prevented from eating the the bottom of the trees and about the fence on the property line.

Mr. Olivo responded that it would be 6 to 7 ft. in on their property site. The evergreens, which would be 8 ft. Arborvitaes. would be going on their property and they would have a 3 ft. wall. He said there would be a fence around the basin and there is a fence along the West side today, which is shown on the Plan. Mr. Olivo said they were planning to have it buffered.

Mr. Del Vecchio noted that the existing fence was not on the subject property.

Mrs. Kaechele stated that the fence they were talking about was a 6 ft. wooden fence on her property.

Ofer Benlule asked if the units would have basements.

Mr. Olivo responded that they would have to deal with foundations.

Janet Gall, of 290 Lake Shore Drive, asked about the disturbance of wild life and rats. She also wanted to know if the neighbors would be notified of what was being done.

Special meeting of the Haworth Planning Board on October 28, 2019, at the Municipal Center.

Mr. Olivo responded that if there was an issue with rodents, they would have them trapped and removed. He said that based on the typical requirements, there was a 2-week bait requirement and conditions should be improved. Mr. Olivo said that there were no noted requirements for notification.

Mr. Benlule asked if there would be asbestos involved.

Mr. Del Vecchio explained that according to UCC requirements, they would have to comply and it would not have to go before the Board since it would be up to the builders.

Glenn Poosikian, of 236 Valley Court, asked if there would be dumpsters parked on the property and if the garbage trucks would fit into the parking spaces and be able to properly exit on Roden Way.

Mr. Olivo stated that they have requirements for widths for refuse vehicles. He said that refuse vehicles were measured in parking spaces and there would be enough space in the lanes so they would not have to back out.

Mr. Kaechele asked if there would be other telephone lines.

Mr. Olivo responded that they would be using other lines.

Mrs. Dunn asked if pesticides would be used on the property.

Mr. Del Vecchio responded that they would bait and kill. He said that they would comply with the UCC rules.

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

Mr. Troy reminded the applicant that all updates and changes needed to be made and presented. Further, there were certain modifications due for the the variance requests.

## **ADMINISTRATIVE**

Mr. Troy reminded everyone that the next Planning Board meeting was scheduled for November 20<sup>th</sup> at 8 p.m.

