

Regular meeting of the Haworth
Planning Board on September 18, 2019,
at the Municipal Center.

PRESENT Bernard Troy, Chairman
Thomas Ference, Mayor
Andrew Rosenberg, Council Liaison
Andrew Anderson, Vice Chairman
Leona Kosmac, Secretary/Treasurer
Edmond Ezra, Public Official
Nancy Minikes

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

ABSENT: Amy Albalah
Mark Kronfeld,
Tae Chang, Alternate 1

Joseph Vince, Board Engineer

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

Mr. Posen was not in attendance since he resigned as a member of the Planning Board.

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."

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

Seconded by Ms. Kosmac and unanimously carried.

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SUEZ WATER COMPANY MEMORIALIZING RESOLUTION

The Suez Water Company Memorializing Resolution was reviewed.

It was noted that page 6, paragraph 1, had a correction. Mr. D'Anton said he had added a reference to the Municipal Land Use Law that a 2½% Development Fee was for non-residential construction

He said there was a statement which says that these regulations would be in effect until COAH gave a new approval. Mr. D'Anton noted that this was State law and this was a utility company.

Mr. D'Anton stated that other than those changes, the Resolution was in the same order.

Mr. Troy entertained a motion to approve the Resolution as drafted by Counsel.

It was noted that Mr. Anderson was not eligible to vote since he was absent last month and did not vote on the application.

So moved by Mr. Ezra.

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

FAIR SHARE HOUSING

Mr. D'Anton confirmed that all members had received a copy of his memo on Fair Share Housing. He said that all definitions were to be consistent with the original agreement with the Lake Shore Developers. It was reviewed and found to be consistent.

Mr. D'Anton said that the Spending Plan was really an outline of how funds -if they are raised - are going to be spent. In this Spending Plan, with certain development, it will contribute as subsidies to the low-income units. He said it was a moving target and they needed funds to come in, but this could not be finalized without a Spending Plan.

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Mr. D'Anton said that this was consistent with what the Board talked about before. He emphasized that this was the Planning Board and they had the right to reject it; however, he felt that doing it would be foolish. Mr. D'Anton then went over what the Mayor and Council did.

Mrs. Reiter stated that tonight they would be having a discussion on the Fair Share and Spending Plans, and the settlement with the Lake Shore Developers. She then reviewed the work she has done.

Mrs. Reiter said that the Fair Share Settlement Plan needed adoption and then the Governing Body would implement the proposed ordinance. This ordinance would then be referred back to the Board for Master Plan consistency review. She said the documents were reviewed along with the list of obligations and although the Borough came up with several units, their obligation does not go away.

Mrs. Reiter went over the steps taken. She noted that Ordinance 19-09 was adopted for townhouse development on the property and it will have 41 units. There will also be a municipal-sponsored site with the Borough and the United Way for development on Massachusetts Avenue. That will have 35 total units with 21 regular units and 14 affordable units. The units on Lake Shore Drive will be for sale and the units on Massachusetts Avenue will be for rent.

Ms. Reiter explained that the Borough is required to have a certain amount of accessible apartments to be counted toward its Borough's Affordable Housing. She said that 13% of the units would go to very low-income households ("access" units). Mrs. Reiter talked about how selections would be made for the minimum and maximum income and very low-income households. She said that each unit would get approved and everything would be monitored by the Municipal Housing Team.

There was discussion about additional areas for possible apartments, overlay zones, and mixed-use areas.

Mrs. Reiter talked about a Mandatory Set-Aside Ordinance, which is for limited vacant land. If anything comes up in the future that involves certain types of development where 5 or more units can be built, that land would be subject to a mandatory set aside. She pointed out that this language would be included in the new Fair Share Ordinance.

Mrs. Reiter said that the Trust Fund needed to be utilized in a certain way. She said that as of August, there was a balance of \$396,000 in the fund.

The documents were reviewed and there were several questions and suggestions from the Board relating to verbiage, the Trust Fund, and other such issues.

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Mrs. Reiter talked about the Spending Plan. She said that all development fees had to be reported and then they are checked. Mrs. Reiter went over the fees and how the money would be spent. She said that they earmark funds for "access" apartments and for the Bergen County United Way and 30% of the money in the Trust Fund would be used on affordability. Mrs. Reiter said that they give priority to very low-income households. They help them with down payments, closing costs, attorney fees, security deposits, moving costs, attorney fees, and such matters.

Other potential ways of spending money in the Spending Plan might include water heaters for Spectrum, training for a Municipal Housing Liaison, administrative agents, consulting fees, and other related jobs. Mrs. Reiter went over some of the expenses they have already incurred.

Mr. Troy opened the meeting to the public for questions and comments.

There being no one to come forward, he closed the meeting to the public for questions and comments.

Mr. Troy thanked Mrs. Reiter.

Mr. D'Anton suggested that they take a vote this evening for approval of the Fair Share Plan and Spending Plan with the noted corrections. He said he would then prepare a resolution for the October 18th meeting. He asked Mrs. Reiter to make up a list with the changes.

Mr. D'Anton advised the Board that if they had any questions on the Lake Shore Developers Agreement, they should contact him and only him directly.

Mayor Ference said that the changes were de minimus and he agreed that the Board should take a vote this evening.

Mr. Troy entertained a motion to adopt and have a resolution for the Housing Element, Fair Share Plan, and Spending Plan subject to the changes and corrections discussed this evening be included.

Mrs. Minikes so moved.

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

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ADMINISTRATIVE

- Mr. Troy noted that Alternate Members should attend all meetings of the Board. He explained that if a case was continued and a regular member was absent, the Alternate would be required to have knowledge of that case in order to vote.
- There was discussion about the Land Use Seminar, which all members are required to attend. Mr. D'Anton advised that it should be done as soon as possible and at most, within one year. The Storm Water Course can be taken on line.

MAYOR'S REPORT

Mayor Ference reported on the following:

- Mr. Posen sent him a letter of resignation from the Planning Board, stating that he could not continue to be on both this and the Zoning Board at this time. Mayor Ference said that he asked Mr. Posen to please attend the next meeting of this Board - he appreciated all the work he has done for this Board.

He said that they would move Mr. Kronfeld to a regular member and Mr. Chang would become Alternate 1. Mayor Ference stated that he would look for a second alternate member.

- The Council is likely certain to pass a new ordinance restricting the use of one-time plastic straws. He said they were working to eliminate some environmental issues and meet requirements in the commercial district.
- Messrs. Anderson, Posen, and Kronfeld completed a report on solar panels and there will be discussion on it at the October meeting.

Mayor Ference stated that Mr. Anderson should be congratulated for it.

- The Downtown Project will be completed sometime in October. There will be no change in the traffic pattern - they only wanted to improve the sidewalks and resolve the ADA Handicap Access.

Mayor Ference then requested that they go into Closed Session to discuss a matter of potential litigation.

