

**PRESENT** Bernard Troy, Chairman  
Thomas Ference, Mayor  
Andrew Rosenberg, Council Liaison  
Andrew Anderson, Vice Chairman  
Leona Kosmac, Secretary/Treasurer  
Amy Albalah  
Nancy Minikes  
Stephanie Mitra

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

**ABSENT:** Tae Chang, First Alternate  
Edmond Ezra, Public Official

Mr. Troy called the meeting to order and upon roll call, the above members were present.

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 July 2020 meeting were reviewed.

Mr. Troy asked that page 50, last section, be amended to read, "MASTER PLAN RE-EXAMINATION."

Mr. Troy announced that they were holding the Public Hearing for the Re-Examination of the Master Plan this evening. He elaborated.

Mayor Ference moved to open the public hearing.

Seconded by Mrs. Minikes and upon voice vote was unanimously carried.

Mrs. Reiter, a Professional Planner with Christopher Statile, P.A., introduced the report. She said that they were there for the consideration and adoption of the Master Plan Re-Examination Report, and she had worked on it together with the Board for quite some time.

Mrs. Reiter stated that this Board is responsible to do a re-examination every 10 years. This Report has been available to view on the Borough website as well as with hard copy in the Borough Hall. Notice was properly provided and a copy was provided to the County under the Land Use Law. Mrs. Reiter then went over the highlights and looked at previous planning documents to see if they still made sense. She said that the highlights were all in the recommendation.

Mr. Troy asked if any Board members had questions with regard to the February 2, 2020, draft.

Ms. Kosmac had a question relating to a statement in the 2009 vision on page 3.

There was discussion relating to the statement and Mrs. Reiter explained how she had confirmed it from the 2009 Plan along with its appropriateness.

There was discussion and a suggestion about including a sentence referring to material taken from the 2009 Report.

Mrs. Minikes stated that Ms. Mitra should be listed as a full member of the Board because she was no longer an alternate.

There was additional discussion with Mrs. Reiter.

There were no further questions from the Board.

Mr. Troy asked if there were any comments from the public.

There were none.

Mr. Troy entertained a motion to close the Public Hearing of the Master Plan Re-Examination.

Mayor Ference so moved.

Seconded by Mrs. Minikes and upon voice vote, was unanimously carried.

Mr. Troy entertained a motion to adopt the February 2, 2020, Draft of the Master Plan Re-Examination with the recommendations which were made this evening.

So moved by Mr. Anderson.

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

Mr. Troy noted that Mrs. Reiter would prepare a final version and send copies to him and Mr. D'Anton.

Mrs. Reiter thanked the Board.

### **342 WHITMAN STREET LLC APPLICATION**

Mr. D'Anton stated that an application was filed with exhibits and the Board had jurisdiction upon this application. Mr. D'Anton stated that proper notice had been given and noted that he had all of the notices as well as the application, so the Board could proceed with this matter.

Reference was made to Joseph Vince's report and it was marked as Exhibit B-1.

Mr. D'Anton pointed out that Mr. Vince had listed a variety of items.

The following Exhibits submitted by the applicant were marked into evidence:

- A-1 - Modified Sub-division Application
- A-2 - Plan dated 5/15/2019
- A-3 - Drawings dated 8/114/2020 by Azzolina & Feury Engineering
- A-4 - Email relating to a guaranty from a provider of trees

It was noted that this was not put up for public notice.

Virtual Regular Meeting of the Haworth  
Planning Board on September 16, 2020.

Matthew Capizzi, with an office in Tenafly, New Jersey, appeared on behalf of the applicant, 342 Whitman Street, for approval of a revised application.

He referred to the Applicant's previous application with a Memorializing Resolution dated 5/19/2020 relating to the sub-division of 2 lots. One has frontage on Whitman and Pleasant Streets and the other had frontage on Whitman Street and Prospect Avenue. The one on Whitman is complete and waiting for a resolution of this issue. Mr. Capizzi stated that the property is 80 to 90% complete and during construction two trees on the Prospect lot were taken down. He said that in 2019, there was testimony that one tree was going to be removed and the other tree would remain. Mr. Capizzi said the applicant was there to present a Mitigation Plan. He stated that there is no tree-mitigation requirement in Haworth so he explained what they did to go toward such a plan.

Ron Formero, of Owatonna Street and one of the entities of 342 Whitman St. LLC appeared as a witness. He explained that when the lot on Whitman and Prospect was 80 to 85% complete, they went into contract. Mr. Formero said they intended to take down only one tree on the Pleasant Street lot but took down two. Mr. Formero said it was a misjudgment on his end and he should have reached out to the town. He explained that he thought the tree would endanger the two homes and now felt that it was a bad judgment on his behalf. Mr. Formero also said that this tree was rather close to the driveway and the house. He stated that his Mitigation Plan called for 11 trees and vegetation and it could be installed in approximately ten days.

Mr. Vince stated that they should post a \$5,000 performance bond as well as a letter granting a two-year guaranty on the trees.

Mr. Capizzi stated that American Nursery in Fair Lawn, New Jersey, would install the trees and they had no concerns about honoring the guaranty.

Upon questioning from the Board and testimony, the following information was given.

- Mr. Capizzi said that they would process and take care of the replacement of any trees and get the guaranty from American Nursery.
- They were agreeable and there would be no problem relocating the trees to where Mr. Vince has suggested.
- Although the drawings from the applicant showed only 7 trees, 11 were mentioned. At Mr. Vince's suggestion, they would install 4 deciduous trees and 7 evergreens including Maple, Cedar, and Cypress trees. and they would be planted in the locations which Mr. Vince suggests in lieu of what they had proposed. The Applicant would provide a new Mitigation Plan listing everything as discussed.

Mr. Troy opened the meeting to the public.

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

Mrs. Boyer asked to speak so Mr. Troy reopened the meeting to the public.

She asked that if the trees were thought to be a problem, why were they taken down after the houses were constructed.

Mr. Formero responded that during the storm, some trees had damaged both roofs and that was when he made the decision.

Mrs. Boyer pointed out that one tree had been taken out before the storm.

There was discussion and Mr. Formero said that he was always worried about that tree.

Perry Frenzel, of Azzolina & Feury Engineering in Paramus, New Jersey, was sworn in. He stated that he was a New Jersey licensed engineer in good standing. Mr. Frenzel went over his education, background and experience.

Mr. D'Anton noted that Mr. Frenzel had testified at the last hearing and he recommended that he be accepted as an expert engineer.

Mr. Frenzel presented a Mitigation Plan dated 8/14/2020, and it was marked as Exhibit A-5. He reviewed what was shown on that Plan, including the Mitigation Schedule, the number of trees being planted for every 6 inches of trees taken down, the Landscape Schedule, the distance between the trees, etc.

Councilman Rosenberg pointed out that this Plan included 3 Red Glory Maple trees, Cypress trees, and Spruce trees.

There was discussion about the trees and their locations and Mr. D'Anton pointed out that they showed 6 trees on Lot 2101 and 5 trees on Lot 2102.

There was additional discussion and reference was made to the Applicant's Attorney's letter dated August 17, 2020, along with a 2-page attachment of the Plan.

Mr. Perry went over the Plan and it was reviewed. In response to questions from Mr. Troy and Mrs. Minikes, he went over the names of the trees, diameters, and types of trees, which were set forth on the Plan. He said that they came up with the ratio for the diameter of the trees by looking at tree ordinances in other towns. He elaborated.

Mayor Ference suggested that the Applicant be asked if they had any objection to Mr. Vince's report.

Mr. D'Anton said that the applicant did not have any objections, and Mr. Capizzi concurred.

Mr. Troy noted that there would be 11 trees with a bond of \$600 per tree.

Mr. Capizzi commented that Mr. Vince said they would be over-planting. However, whatever the cost, they would be bonded.

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

Mrs. Boyer asked if the Board was concerned about density, and Mr. D'Anton stated that this witness had not testified about density.

Mr. Capizzi stated that he had no further witnesses.

Mr. Vince summarized and reviewed his report, which included the following. He went over the Tree-Planting Plan and had recommended less trees. What was not shown were some of the trees on the neighbor's property line to the north. Mr. Vince said the trees were 15 to 20 ft. away were not too close to the house. He described the existing trees.

Mr. Vince went over the Borough Ordinance and explained what was required. He said that after walking around the perimeter, he came up with 7 locations for the trees and felt they could substitute some species, which were 4 ft. because he did not feel they would be good replacements. Further, he felt that arborvitae should not be used to mitigate because they took down a 42-inch Sycamore Tree which provided shade. He elaborated. Mr. Vince stated that they needed shade and recommended deciduous trees such as Cypress and Hawthorne. He went on to discuss other types of trees. Mr. Vince stated that he stood by his recommendations for the locations he proposed and recommended that they use a mix of Hawthorne, Maple, Pin Oak and Sycamore trees.

At Mr. D'Anton's request for more direction, Mr. Vince stated that he had no objection to all being 2 ½ inch caliper of typical size with 2 Pin Oaks, 2 Sycamore, 2 Maple trees, and 1 Hawthorne tree. He also proposed that a Maple be planted on the Whitman Street side, a Hawthorne planted behind it, and a Sycamore be planted on the Prospect Avenue side, on Lot 2101. Mr. Vince recommended that the trees on Lot 2102 should be a Maple planted close to Prospect Avenue, a Sycamore in the rear, a Pin Oak in the right corner, and a Maple on the Pleasant Street side.

Mr. D'Anton asked Mr. Vince if this was his view of the best mitigation for the replacement of trees for the properties after his review, during his visit.

Mr. Vince responded that it was. He said that none of the trees were shown on Azzolina's drawings – they only showed a trees with mature height.

Mr. Capizzi said that it was fine.

Mr. D'Anton marked the following Exhibits into evidence:

- B-2 - Plan for Lot 2101 - Location of proposed trees.
- B-3 - Plan for Lot 2102 - Location of proposed trees

Mr. Troy asked if there were any questions from the Board, but there were none.

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

Mrs. Boyer thanked Mr. Vince. She asked how close the distance was with any of the new trees as compared to any of the trees that had been removed.

Mr. Vince explained that one tree is at 15 ft. - 1 Maple would be the same as the Cedar, 1 Hawthorne and Sycamore would be 20 ft. away, the location provided for the Cedar would have sun and with those locations, they would survive.

Tracy Arefieu, Contract Purchaser, asked to see the Plan with the tree recommendations.

There was discussion and Mr. Vince explained that the trees would be about 30 ft. away from the house and they would be away from the patios, too.

Mrs. Boyer then stated that she had attended the Planning Board meeting when the lots were approved. She asked about the language relating to bonding and guaranties and asked how they would be going forward.

Mr. D'Anton stated that a Certificate of Occupancy (CO) is issued if the Board accepts the Engineer's Plan, the Applicant has to have a cash bond in place with the Borough for two years. After five years, the property owners could cut down the trees, just like other property owners can do. He commented that he did not suspect that they would be cut down.

Mr. Capizzi said that they cannot cut down some trees without permission from the town.

Mr. D'Anton responded that he did not know who gave out that information.

Mr. Capizzi stated that all trees were on private property and reminded them that they were posting a cash bond. He said that they were looking to have this family get into the house.

Mr. Vince advised them that there was also a Maintenance Bond, which had to be posted.

There was discussion about the Bonds.

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

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

Mr. Capizzi announced that they had concluded.

Mr. Troy asked if there were any questions or comments from the public, but there were none.

Mr. Troy then closed the meeting to the public for questions and comments and the Board went into deliberation.

There was no further discussion.

Mr. Troy suggested that they follow-up concerns with regard to the Performance Bond.



Mr. Troy entertained a motion to approve the Mitigation Plan as modified by Amendment and by recommendations from the Board Engineer, with posting Cash Performance Bonds, and also including the following:

1. Approve Mr. Vince's proposed locations for plantings and re-identify the trees.
2. Applicant will be directed to post 120%.
3. Applicant will be given fourteen (14) days to install these trees or Cash Bonds to get a Certificate of Occupancy.

Mr. Anderson so moved.

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

Mr. Troy noted that the Memorializing Resolution would not be approved until the October 2020 meeting.

### **NEW BUSINESS**

Mr. Troy announced that the next application before the Planning Board would be a Minor Sub-Division on Schraalenburgh Road and is scheduled for October 21, 2020.

Mr. Vince stated that he deemed it complete. He said it was a Minor Sub-Division but had not yet seen this property.

Mr. Troy stated that there would be one more application at a later date for a Sub-Division at 417 Sylvan Place.

Mr. Troy stated that he and Mr. D'Anton would decide if it would be necessary for the Planner to attend.

Virtual Regular Meeting of the Haworth  
 Planning Board on September 16, 2020.

### **MAYOR'S REPORT**

Mayor Ference reported on the following:

- Stephanie Mitra is now a full member of the Planning Board.
- The Senior van died after 14 years and they are waiting for New Jersey Transit to give the Borough a grant to purchase a vehicle to serve the seniors. For the time being, they have borrowed a van from the County.
- A check was cut and a new ambulance was being delivered today. The cost was covered by the Borough and Ambulance Corp.

### **COUNCIL REPORT**

Councilman Rosenberg reported on the following:

- Remains of the flood were cleaned and some items were salvaged. Papers were filed with FEMA. They determined what they would need going forward and decided that they were going to modify storage.

### **ADMINISTRATIVE**

Mr. Troy thanked everyone for their service.

The next meeting of the Planning Board will be held on October 21, 2020, at 8 p.m. via Zoom.

There being no further business, Mayor Ference moved to adjourn.

Seconded by Ms. Kosmac and unanimously carried.

Respectfully submitted,

/s/  
 Dolores Fazio O'Dowd