

BOROUGH OF HAWORTH
PLANNING BOARD
REGULAR MEETING MINUTES
Wednesday, March 20, 2024 at 8 PM

OPEN PUBLIC MEETING ACT ANNOUNCEMENT

Chair Anderson opened the meeting at 8:00 pm with the Open Public announcement: Open Public Meeting Act Announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD or THE SUBURBANITE. A copy has been filed with the Borough Clerk and copies have been mailed to individuals requesting the same.

ROLL CALL

A roll call established that the following were in attendance: Dr. Pavell, Mr. Ezra, Mr. Chval, Mayor Wasser, Mr. Adler, Councilman Rosenberg, and Mr. Anderson.

The following were absent: Mr. Contillo, Ms. Albalah, Mr. Hirschorn

Mr. Anderson shared the sad news that Mr. D'Anton recently passed away. Mr. Rupp is filling in as Board attorney.

APPOINTMENTS

1. William Rupp – Board Attorney; Mr. Chval moved to appoint Mr. Rupp. All members present voiced assent. Mr. Rupp was asked to speak about his 48-year experience. He was then asked whether he felt appropriately appointed.
2. Memorialize Conflict Engineer; Councilman Rosenberg moved to appoint T & M Engineers (specifically Jacqueline Dirmann), second Mr. Ezra. The Mayor said that she and Councilman Rosenberg met with Ms. Dirmann and that she is confident in her abilities. All in favor. Carried.

ADMINISTRATION OF OATHS OF OFFICE (not present)

1. Josh Hirschhorn (alternate 1 – completing unexpired 2-year term ending 12/31/2024)

MINUTES FOR APPROVAL

Mr. Chval moved to accept the minutes of February 21, 2024, second Mayor Wasser. All in favor. Carried.

INVOICES

John D'Anton Law	Attendance (2/21/2024)	\$250.00
Martha Francis	Attendance & Minutes (2/21/2024)	\$250.00
	TOTAL	<u>\$500.00</u>

Mr. Adler moved to approve both invoices, second Mr. Chval. All in favor. Carried.

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APPLICATIONS

70 Haworth Drive – White Beeches Pickleball Courts (Site Plan) Jay Atkins (Atkins, Tafuri 887 Kinderkamack Road, River Edge) presented the application and said that his client sought to install two pickleball courts. He said that all of the Borough Engineer’s comments and conditions were acceptable to his client. He showed an enlarged, colorized version of the plans that had been distributed to the Board. The plan was colorized by Hubschman Engineering. Mr. Atkins explained that his client wanted to install two pickleball courts on the golf club side near the tennis court, 300+ feet from the next resident. He said the applicant was seeking a 16-foot fence on the golf course side, probably made of black chain link. He said the fences would be lower on the other sides. The 16-foot fence is the subject of one variance. The other variance is occasioned because the code required 300 feet from the nearest property line, but the courts would be 237 feet.

Mayor Wasser asked whether the membership has voted to build the courts and was told that it had and that the General Manager of the club was going to testify.

Mr. Aurelian Anghelusiu, General Manager, was sworn in. He explained that the Club Board voted to install the pickleball courts. He confirmed that there would be two courts and said that the tennis courts also have a 16-foot fence on the golf course fairway side. He said that they are not seeking to light the courts and that they were hoping for a 3-month construction.

Councilman Rosenberg asked what the plan is to deal with the noise factor. Mr. Atkins said that the pickleball courts were to be placed behind the tennis courts.

The General Manager said that screens for wind and noise reduction would be placed on the fencing. In addition, arbor vitae would be planted as an additional noise reducer and that new paddles and balls had been re-engineered to be less noisemaking.

Mayor Wasser said that Haworth was very conscious of the noise factor and that low-noise equipment had to be consciously purchased. The General Manager stated that anyone wanting to play pickleball at the club would have to purchase low-noise equipment from the club.

Mr. Anderson referenced Item #16 on the Environmental Assessment concerning noise.

Mr. Adler asked about the construction on Sunset Avenue and was told that grading and soil movement was being done in preparation for the courts. The permit may not yet have been granted. Mr. Atkins stated that White Beeches was surprised that they did not quickly receive permission to install the courts.

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The meeting was opened to the public for questions for the General Manager. Larry Weiss (574 Beech Street) asked what was being done to prevent noise from reaching the neighbors. The General Manager stated that screens would be on all sides of the pickleball courts and that a green wall would be created of arbor vitae. Wendy Weiss (574 Beech Street) asked why the pickleball court could not be placed elsewhere, how they would enforce the use of low-noise equipment and how they could say it would not be an intrusion. The General Manager stated that no one would be allowed to bring their own equipment and that the currently chosen location was the only location near the amenities and thus was the only place the courts could be. He also stated that pickleball will follow the same hours as tennis.

Steve Hroncich (563 Ivy Avenue) asked what decibels would be heard after screens were added, as pickleball is very loud. He also asked whether there was anywhere else that the courts could go. The General Manager stated that all of the acres were searched and there was nowhere else it could go.

Councilman Rosenberg asked how much room there is to the south of the proposed location and was told that due to the driving range there was not much room.

Michael Hubschman (263 South Washington Avenue, Bergenfield) was sworn in and accepted as the engineer. He testified that the plans were drawn by him and that the letter of denial had been received because they were adding a structure. He said that 10-foot fences were proposed on the west, north, and east sides and a 16-foot fence on the south. He said that the tennis courts measured 320 feet from the Hroncich house and 330 feet from the Weiss house and that there were 130 feet of woods between the tennis court and a house. There are 310 feet from the tennis court to Beech Street.

Councilman Rosenberg said that the houses were closer and that he wanted 16-foot fences with sound reduction on all four sides.

Mr. Anderson asked Mr. Hubschman what analysis was used to answer the noise portion of the environmental questionnaire. Mr. Anderson did not feel that his answer represented an adequate analysis and said that he wanted an actual analysis to be performed showing mitigated and unmitigated noise. Mr. Rupp pointed out that there is a logarithmic formula.

Mr. Ezra asked for clarifications on the plantings. The General Manager said that they would be fully matured and planted close together.

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Councilman Rosenberg read the Haworth noise ordinance. Mr. Atkins said that the state law pre-empts the borough ordinance. The Borough engineer pointed out that the ordinance is consistent with the state law. Mr. Atkins suggested that Mr. Hubschman conduct an analysis and that approval be contingent on the calculations being deemed acceptable. The Borough engineer found this proposal acceptable.

Mr. Anderson stated that the drawings needed to reflect the sound blocking devices and the two variances.

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

Mr. Hroncich asked how 16-foot fences with screens would look. The General Manager shared that the screening will come off in the winter when the courts are closed.

Trisha Mayer (585 Beech Avenue) asked what was being done about the fact that the tennis courts are closer than allowed to the street. Mr. Atkins replied that the applicant was ready to do everything it could to make the town happy. The applicant agreed to have 16-foot fences with sound proofing on all sides.

The meeting was opened to the public for testimony.

Larry Weiss (574 Beech Street) was sworn in and thanked the Board for considering the feelings of the residents. He said that the hardship falls on the neighbors and that pickleball was a new pollution.

Wendy Weiss (574 Beech Street) was sworn in and thanked the Board. She spoke about the location of the proposed courts and said that at her club the courts are far from the amenities. She said that the club is not on top of other things and that this worries her. She asked that the club do research on noise panels.

Councilman Rosenberg reminded the residents that this board is not an enforcement body. Any reinforcement, if this is approved, would be through the Building Department and the Police Department.

Steve Hroncich (563 Ivy Avenue) thanked the Board and said that the club is doing a better job with quite a few matters and that they are on top of things. He asked that the sound barrier be a grass green. He said that he moved to Haworth for peace. He suggested putting up a temporary wall and trees to test the noise.

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Mr. Atkins reminded everyone that the club is seeking to build only two courts.

The Borough engineer suggested that perhaps the Board could choose the colors.

The public portion of the meeting was closed.

Councilman Rosenberg moved to approve the application with the requirements that a 16-foot fence with state-of-the-art sound reduction be installed on all four sides, that a green fence of the tallest possible arbor vitae be placed outside that, that the players be required to use equipment purchased from the club, that the equipment be the most sound reducing available and that the club update the equipment as technology improves, that there be no lighting, that the Borough engineer conduct periodic tests of noise-level mitigation, and that the sound be no higher than 55 decibels at the property line, second Mr. Ezra.

Discussion: Mr. Chval stated that he presumes there will be no more construction until all conditions are met. Mr. Adler voiced his support for the application. The Borough engineer said that light and sound issues usually wait for a complaint before investigation. The Mayor stated her appreciation for the General Manager's willingness to work with the town and that she wants to make sure the equipment use is enforced.

VOTE

Councilman Rosenberg-yes	Mayor Wasser-yes
Mr. Ezra-yes	Mr. Adler-yes
Dr. Pavell-yes	Mr. Anderson-yes
Mr. Chval-yes	

Carried.

The meeting took a break. When the meeting began again, the attorney shared that the resolution for 287 Lake Shore Drive was being carried to the following meeting with the agreement of the applicant. Mr. Rupp will discuss with the applicant's attorney and send the results to the Board.

RESOLUTIONS

1. 287 Lake Shore Drive – Subdivision (TBD) carried.

The meeting went into closed session.

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OLD BUSINESS

1. Status of Massachusetts Avenue application

NEW BUSINESS

MEETING OPEN TO PUBLIC

ADJOURNMENT Upon returning to open session, Mr. Ezra moved to adjourn, second Councilman Rosenberg. All in favor. Meeting adjourned at 9:59 pm.

**Next scheduled Regular Planning Board Meeting
April 17, 2024 at 8:00pm**

Respectfully submitted,

Martha Francis
Planning Board Secretary