



**BOROUGH OF HAWORTH
PLANNING BOARD
REGULAR MEETING MINUTES**
Wednesday, February 21, 2024 at 8 PM

OPEN PUBLIC MEETING ACT ANNOUNCEMENT Chair Anderson opened the meeting at 8:03 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 present: Mr. Contillo, Ms. Albalah, Dr. Pavell, Mr. Ezra (at 8:08 pm), Mr. Chval, Mayor Wasser, Mr. Anderson

Also present: Mr. Capizzi, attorney for the applicant; John D’Anton, Board attorney

The following were absent: Mr. Adler, Mr. Hirschorn, Councilman Rosenberg

ADMINISTRATION OF OATHS OF OFFICE Mr. Chval was sworn into office by the Board attorney.

Stephanie Mitra - resignation

1. Jeff Pavell (member – completing unexpired 4-year term ending 12/31/2024)
2. Josh Hirschhorn (alternate 1 – completing unexpired 2-year term ending 12/31/2024)
3. Stephen Chval (alternate 2 – 1 year term ending 12/31/2024)

MINUTES FOR APPROVAL

1. January 17, 2024 minutes: Dr. Pavell moved to accept the minutes, second Mayor Wasser. All in favor. Carried.

INVOICES

John D’Anton Law	Attendance (1/17/2024)	\$250.00
Martha Francis	Attendance & Minutes (1/17/2024)	\$250.00
	TOTAL	<u>\$500.00</u>

Ms. Albalah moved to approve the invoice for Mr. D’Anton, second Mr. Ezra. All in favor. Carried.

Ms. Albalah moved to approve the invoice for Martha Francis, second Mayor Wasser. All in favor. Carried.



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APPLICATIONS

1. 287 Lake Shore Dr. – Subdivision
 - carried over from December 20 meeting at request of applicant

This application was previously in front of the Board in December. The proposal is to subdivide the property roughly in half, retaining the house on new lot 11.02 and building a new swelling on 11.01.

As a result of the questions and comments from the last meeting, the applicant made changes to the application, including moving to a front-loading garage, which allows the home to move 8 feet farther from the neighboring house. A soil analysis has been taken. The redwood tree has been examined and is slated to remain. The three prior witnesses are to be recalled.

The Board attorney asked why the Board is listening to details about the house. The applicant's attorney explained that it felt important and that he wanted to establish full conformity.

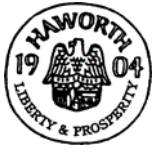
The architect (Mr. Filetti, 143 Terrace Avenue, Haworth) was sworn in and confirmed that his license is in good standing. Revised sheets A-1 to A-6 were marked A-15; he confirmed that they were prepared by him. The plans show the front-loading garage, straight drive into the 2-bay garage. The materials and design are now more colonial and less modern. The structure is still conforming, and the overall footprint did not change except for the garage. The steeper roof gives a more traditional look.

Neither the board nor the public had questions for the architect.

The engineer for the applicant (Mr. Mark Martins, 55 Walnut Street, Norwood) was sworn in and confirmed that his license is in good standing. Three sheets (plat, site plan, and soil erosion plans and details dated 2/7/24) were marked as A-16; he confirmed that they were prepared under his supervision. The major changes are that the house shifts 8 feet to the left; 9 trees are being removed and will be replaced; drainage improvements will be made on the existing lot, and an underground chamber for runoff reduction will be installed on each lot. There is a possibility that the runoff could be tied into the townhome's sanitary manhole. The Board engineer suggested that the resolution could have a condition that the sanitary system be investigated and a sanitary system proposed. The applicant's engineer confirmed that the sewer test had four hits and the results on 2/20 were good. There are no concerns about the runoff, and the plan will meet the requirements. The Board engineer had no concerns.

Ms. Albalah asked about where the generator would be placed.

The meeting was opened to the public and Janet Gallagher asked about the placement of the driveway for the new proposed lot and the blind spot where the street bends over the railroad tracks.



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Discussion about potential widening of the street. The Board engineer suggested a note in the resolution stating that vegetation be removed if it interfered with sight lines but that he wasn't aware of a sight issue.

Suzanne Kaechele asked about the drainage system, and the applicant's engineer explained that it takes care of the additional runoff created by the construction.

The planner for the applicant (Cathryn Gregory, 96 Linwood Place, Fort Lee) was sworn in and confirmed that her license is in good standing. She explained that the variances sought remain the same. The aerial map she had prepared was marked A-17. The zones in red are the A and C zones and show that this property is isolated and was never big enough to be in the C zone (as it is more similar in size to the A zone). The C1 variance, she explained, is due to its unique situation. The positive criteria are additional housing, providing adequate light, air, and open space, and "filling the donut." There is no substantial detriment.

Mr. Chval asked whether A zone houses have similar frontages to the proposed new lots and was told they did. Mr. Anderson asked what the options are if the subdivision is not granted. A discussion ensued. Ms. Albalah asked whether the homeowner was given the option of selling the home to the multiple family project, but Ms. Gregory did not know. Mr. Contillo asked how the current lot fits size-wise with the A zone and was told it is about twice the size.

The Mayor asked what the plans are for the current house and was told that the owners are staying and say that they are keeping it for their children. Mr. Anderson commented that this was interesting but not binding.

The meeting was opened to the public for questions for the planner. Janet Gallagher asked why fair housing created this anomaly and was told that the lot was always undersized for the zone. Suzanne Kaechele stated that she is directly next door and also asked about the zones. Mr. Contillo asked when the lot was created and was told that it was before the affordable housing subdivision.

The meeting was opened for public comment. Janet Gallagher was sworn in. She said that she lives directly across from 287 Lake Shore Drive and that the sewers need to be addressed, that Haworth does not need another pumping station. She said that the drainage and traffic are also problems and that the applicant is asking to take one undersized lot and make it two and that the area does not need another house.

The attorney for the applicant closed by asking the Board to be mindful of the fact that the client has lived on the property since 2018; the property mimics two building lots and the introduction of a new home does not negatively affect the streetscape. He said that the proposal is the most realistic form of development for this property.



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Board thoughts: Ms. Albalah said that she does not accept the hardship and the need for an additional house arguments. Mr. Anderson said that the Board should look at the future. Mr. Ezra felt that it was unlikely that the dwelling would become part of affordable housing. Mr. Contillo said that he is sympathetic to neighbors who have had a lot of changes but that this property is an outlier. He said that contrary to his initial feeling, he now believes that the proposal comports with the statute. The Board engineer stated that the house will most likely not have sewer issue. MR. Chval agreed that the property was more consistent with the A zone. The Mayor shared that her most salient concern was the sewage. She trusted the engineer’s feeling that this would not be an issue long term. She said that she would rather see the subdivision than one enormous house.

Mr. Ezra moved to approve the application with the conditions that the engineer would review the sanitation, drainage, and sight-distance of the building. The subdivision would be by deed, with the new house built as designed, second Mr. Chval.

Roll Call Vote:

Mr. Contillo-yes	Dr. Pavell-yes
Mayor Wasser-yes	Mr. Ezra-yes
Ms. Albalah-yes	Mr. Anderson-yes
Mr. Chval-yes	

Carried.

OLD BUSINESS

1. Massachusetts Avenue - Discussion about whether the meeting should be held in chambers or elsewhere. This will not be heard until April. At the March meeting the Board will need to consider where to hear the application.
2. The Escrow Ordinance was passed by the Mayor and Council.
3. Planning Board representation on Environmental Commission. Ms. Albalah has agreed to be the Environmental Commission representative.

OPEN MEETING TO PUBLIC There was no public comment.

ADJOURNMENT Mr. Ezra moved to adjourn, second Ms. Albalah. All in favor. Meeting adjourned at 9:32 pm.

Next scheduled Regular Planning Board Meeting March 20, 2024 at 8:00pm

Respectfully submitted,

**Martha Francis
Secretary for the Planning Board**