

**PLANNING BOARD MINUTES
REGULAR MEETING**

February 13, 2017

1. The Planning Board Meeting of February 13, 2017 was called to order by Chairman Joseph Brower at 8:00 p.m.
2. Pursuant to section 5, Chapter 231, PL1975, this is to state for the record that notice of this meeting has been provided to the public by posting of the notice of meetings of this body in full view in Borough Hall, and by the mailing of same to the progress and Star Ledger and Filing of said notice in the office of the Borough Clerk.

3. Pledge of Allegiance

Mayor Joseph Alessi was recused from the meeting.

4. Roll Call :

| NAME | PRESENT | ABSENT |
|--|---------|--------|
| Chairman Joseph Brower | X | |
| Vice Chairman James Campbell | X | |
| Mayor Joseph Alessi | | X |
| Councilman Art Rees | X | |
| Member Dr. Carl Spinelli | X | |
| Member Scott Fishbone | X | |
| Member Mel Levine | X | |
| 1 st Alt. Member Joseph Barba | X | |
| 2 nd Alt. Member Sandra Nathans | | X |
| Borough Engineer Frank Zichelli | X | |
| Attorney John Dusinberre | X | |

Harvey Moskowitz, resident, presented the Planning Board with a book he co-authored, titled The Complete Illustrated Book of Development Definitions, Fourth Edition. Chairman Brower accepted the book and thanked Mr. Moskowitz -for his contribution to the Planning Board.

5. Applicant – K. Hovnanian of North Caldwell IV, LLC was represented by Robert Gaccione, Esq.

Mr. Gaccione, Esq. introduced William Feinberg, AIA to present the additional elevations.

Mr. Gaccione, Esq. introduced Michael Tobia, PP to address any set back issues with regards to walls and steps.

Mr. Gaccione, Esq. said he would amend application if the Board felt it was necessary.

Mr. Gaccione, Esq. called William Feinberg, AIA to testify about the elevations

Mr. Feinberg (Architect) testified that he submitted additional elevations to the Board (10) ten days prior to this hearing.

Mr. Feinberg displayed Exhibit A 12, elevation 3 (Wildwood Plan) added a front porch with roof, and 5 windows across the front, added a gable with a half round window in the roof, also added a window located over the garage door. Pulte Homes also offers 5 different types of garage doors and different color packages available to the buyer. Exhibit A 13, (Hilltop Plan) a hip roof was added, modified the elevation to include shutters, garage door options, elevation 4 and added window over gable roof over the garage. Choices of roof styles and siding. Exhibit A 14, Melrose Plan, added a stone base, metal roofing, Dutch dip roof, added vertical siding which will give more of a farm type and craftsman style. Exhibit A 15, Vanderbilt Plan, added hip roof, brick front, metal roof, and window over the garage. A 16, Furman Plan, added a -hip roof, full brick front, and metal roof porch. A 17, Bentley Model, full stone front, window over garage, metal roof over front porch, craftsmen look.

Mr. Gaccione, Esq. questioned Mr. Feinberg if it is necessary to amend the plan regarding the wall and stairs being in the setback.

Mr. Feinberg testified the wall will be faced with the same material as the house, stone or brick. The walls will have different variations in style.

Chairman Brower asked if there were any questions from the Board.

Vice Chairman Campbell asked if there would be a choice of different vinyl colors.

Mr. Feinberg testified that there will be a choice of 14 different color packages including shutters, roof, and siding. Exhibit A 18.

Chairman Brower asked Mr. Feinberg to explain to the board conceptually what the different variations of the walls would look like.

Mr. Feinberg testified that there would be a slope style wall, one that is divided into steps, probably each step would be 3 and ½ feet long, and one with maybe 3 slopes.

Chairman Brower opened up the meeting to the public for questions specifically to the testimony presented tonight. There were no questions.

John R. Dusinberre, Esq. swore in Michael Tobia, PP for the applicant.

Mr. Tobia explained how this proposal started out approximately a year ago with an approval for K. Hovnanian for a 62 lot subdivision with a road network 3 detentions basins as well as a 5 acre parcel to be dedicated to the town for low income housing purposes that was approved and memorialized -January 22, 2016.

The new proposal by Pulte maintains the same number of homes, roadways and detention basins that were approved. Exhibit A 1, it leaves the road network identical, location of basins identical, affordable housing location where it was, 62 lots the same, original plan was put together without any variances pursuant to R 8 zoning.

The only relief Pulte is asking for is relief of walls, shown on Exhibit A 1, to modify the approval on lots 26 -45, total of 20 lots. The other 42 lots stay the same as approved. Rear yards behind lots 26 – 45, the new reengineering necessitated by the new plan eliminated 50% of aggregate length of the walls, and 50% of the overall area of all those walls.

Variances that we are now focused on are Exhibit A 7-, relates to the practical need to add retaining walls to the front of these 20 lots to enable a garage under architecture. The walls in the front will range in height from 9 feet where they met up with the building and taper down to a height of zero. (-6 feet permitted) None of the walls will require fencing on top of the walls. Plant material along all the proposed walls as a barrier rather than fencing.

The zoning for the site require a 30 foot setback. Mr. Tobia stated a variance would be needed to allow front walls ,steps, and landings. Front of building is within 30 foot setback.

Mr. Gaccione, Esq. asked Mr. Tobia to review the bulk rational with regard to the walls.

Mr. Tobia stated because of the topographic -variations, they need walls to hold the soil around the garages. This is known as a C 1 variance.

Mr. Tobia referred to the Redevelopment Plan, Ordinance 9-13 was to create a zone for empty nesters, with first floor master bedrooms. Ordinance states that 50% of the homes must offer first floor bedrooms, with Pulte plan, offers 100% first floor bedrooms on all models if desired.

This plan will have no effect on Ferndale residents. The distance between Ferndale Road residents and the new proposed development is 340 feet with many trees in between.

Chairman Brower asked the Board if they had any questions.

Mr. Dusingberre, Esq. questioned whether the reduction of the wall heights in the rear yards, and the additional front walls, when calculated, resulted in a reduction in wall heights overall?

Mr. Tobia stated that they have not done a calculation of how much of reduction in wall heights there would be, but it is definitely less than originally granted.

Chairman Brower opened the meeting to the public for questions.

Daniel Gallagher, 36 Ferndale Road, North Caldwell. Questioned if there was less blasting and soil removal, would it change the water table.

Mr. Tobia stated that this is not in his area of expertise.

Chairman Brower asked if there were any more questions from the Board, there were none.

Chairman Brower stated that we were finished with this part of the meeting. Testimony was presented and questions were asked. The public now has the opportunity to make a statement on the project.

Arnold Chait, 97 Four Season Drive. Concerned about the changes that have been made to the bypass drainage system that carries the water from the Hilltop development to the detention basin on the Four Seasons property has been relocated and designed. Mr. Chait would like to be assured these changes would be on the plans, and that off-site improvement will have a performance bond in place.
Second concern about cost sharing agreement.

Mr. Gaccione, Esq. stated that this application has nothing to do with the drainage issues regarding Four Seasons.

Chairman Brower stated that all we need to hear to satisfy our neighbor is that there were no changes to the specific area in question.

Mr. Dusingberre, Esq. stated if there were any changes to the plan that was approved by Mr. Zichelli, PE, and 3 other engineers, then we would need to know about it, and approve it.

Mr. Zichelli, PE stated he was not aware of any changes.

Mr. Dusinger, Esq. stated that the bypass system will be bonded along with any other improvements performed by the developer. This original approval was clearly subject to a cost sharing agreement being in place before anything can happen on this site. The approval being requested tonight will be amended to the previous approval and all other conditions that were in that approval will be reaffirmed in the amendment they are seeking to have approved this evening.

Mr. Zichelli, PE stated that there was some conceptual discussion regarding the wetlands, but he has not seen any plans.

Donald Theobald, 54 Ferndale Road, North Caldwell. Disagreed with drainage report, felt the 20 lots will impact.

Donald Foti, 18 Ferndale, Road, North Caldwell. Mr. Foti agreed with Mr. Theobald.

Mr. Gaccione, Esq. stated a few closing comments. His engineer feels that there will not be any negative impact on drainage other than improving what was originally proposed. There are no look alike homes, following the Borough ordinance. The master bedroom on the first floor is now available in 100% of the units. The application meets all the bulk requirements except the wall height in the front of the building. Mr. Gaccione, Esq. stated this application can be approved on either C1 or C 2 basis. We know now there is a hardship on this property, given its location. C 2 there are benefits that out way any detriments, and there really aren't any detriments. There is a reduction on the amount export of material from the site, reduction in the blasting, less impact on the gas line, wall maintenance in the back reduced substantially, larger backyards due to the changes.

Councilman Art Rees did not feel this proposed development is age targeted.

Chairman Brower would like to see the front retainer wall and steps included in the variance.

Chairman Brower asked the Board if they had any more questions, there were none.

Chairman Brower asked for a motion to approve or disapprove the application.

Dr. Carl Spinelli made a motion to approve the application and to amend and the Preliminary and Final Major Subdivision, Parcel 3.

| MEMBER | YES | NO | ABSTAIN | ABSENT |
|------------------------------|-----|----|---------|--------|
| Joseph Brower, Chairman | X | | | |
| Vice Chairman James Campbell | X | | | |

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|---|---|---|--|---|
| Mayor Joseph Alessi | | | | X |
| Councilman Art Rees | | X | | |
| Member Dr. Carl Spinelli | X | | | |
| Member Scott Fishbone | X | | | |
| Member Mel Levine | X | | | |
| Member Joseph Barba, 1 st Alt. | X | | | |
| Member Sandra Nathans, 2 nd Alt. | | | | X |

6. Chairman Brower asked for citizens to be heard. There were none related to this application.

7. A motion to adjourn the meeting was moved by Member Joseph Barba and seconded by Vice Chairman James Campbell.

| MEMBER | YES | NO | ABSTAIN | ABSENT |
|---|-----|----|---------|--------|
| Joseph Brower, Chairman | X | | | |
| Vice Chairman James Campbell | X | | | |
| Mayor Joseph Alessi | | | | X |
| Councilman Art Rees | X | | | |
| Member Scott Fishbone | X | | | |
| Member Mel Levine | X | | | |
| Member Dr. Carl Spinelli | X | | | |
| Member Joseph Barba, 1 st Alt. | X | | | |
| Member Sandra Nathans, 2 nd Alt. | | | | X |

Respectfully submitted,



Mel Levine
Planning Board Secretary

ML