

# PLANNING BOARD MINUTES

## CONFERENCE MEETING

MONDAY, APRIL 3, 2017

7:30 p.m.

1. The Planning Board Meeting of April 3, 2017 was called to order by Chairman Joseph Brower at 7:30 p.m. It was noted that although this is the evening for conferences, all meetings are noticed for public hearings and this evening is such an occasion.
2. Chairman Joseph Brower read the Open Public Meeting Notice
3. Pledge of Allegiance
4. Roll Call by Secretary Levine

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 <sup>st</sup> Alt. Member Joseph Barba	X	
2 <sup>nd</sup> Alt. Member Sandra Nathans	X	
Borough Engineer Frank Zichelli	X	
Attorney John Dusinger	X	

Chairman Joseph Brower introduced the applicant – White Rock Urban Renewal Associates, L.P. who will bring expert witness testimony for different parts of this project .

5. Mr. Michael Piromalli, Esq., represented the applicant White Rock Urban Renewal Associates, L.P. which is the contract purchaser of the property that is the subject of this application.

Mr. Piromalli, Esq. stated that the applicant proposes a preliminary and final site plan for a multi-family residential development with associated parking, lighting and landscaping improvements. The proposed development will include 50 residential dwelling units with 10 one bedroom units, 27 two bedroom units, and 13 three bedroom units. A total of 131 parking spaces are proposed for the development and all units will have garage parking spaces.

The applicant is requesting bulk variance relief and a de minimus exception from the New Jersey Residential Site Plan Improvement Standards in order to construct 5 multi- family residential apartments at the subject property.

The applicant is seeking the following “C” variances (bulk):

- a. Minimum Required Front Yard Setback.
- b. Minimum Required Distance from an Interior Drive to a Building.
- c. Primary Entrances to Building Located on Hilltop Drive.
- d. Minimum Required Landscape Buffer Adjacent to Road D.
- e. Maximum Height of 3’ for Retaining Wall in the Front Yard parallel to or facing the street.
- f. Maximum Height of 3 ‘ for Retaining Wall in the Side Yard parallel to or facing the street.
- g. Minimum Height of 6’ for Retaining Wall in the Front Yard perpendicular to the street.
- h. Minimum Fence Setback of 4’ Required from Retaining Walls.

i. RISIS De Minimus Exception: Guest Parking Not Provided.

Mr. Piromalli, Esq. called Joseph Portelli, Vice President of Development for White Rock Urban Renewal Associates, L.P., as his first witness.

Mr. Dusinberre, Esq. swore in Joseph Portelli.

Mr. Portelli testified that he oversees site selection, financing approval for Affordable Housing.

Mr. Gaccione asked Mr. Portelli to explain what is considered low and moderate income levels are, in this area of New Jersey.

Mr. Portelli testified that the United States Department of Housing and Urban Development on an annual basis publishes income limits for certain regions across the country, and for Essex County it's for households earning up to \$62,000.00 per year and under would be eligible for low and moderate housing. Rents would be approximately; \$850.00 for a one bedroom, approximately \$1,025.00 for a two bedroom, and approximately \$1,175.00 for a three bedroom.

Mr. Portelli testified that to be able to construct one hundred per cent affordable housing developments like what is proposed for North Caldwell, requires a great deal of financial support. The applicant utilizes the program administered by the New Jersey Housing and Mortgage Finance Agency of loan and taxing credits program. Credits are awarded on a competitive basis and the deadline is May 2, 2017. One of the threshold eligibility requirements to apply for tax credits is to submit a resolution memorializing a site plan approval. If this is not submitted the applicant will not be able to apply, which is necessary for the project to be built.

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

Member Barba asked what the fallout would be if the deadline was not met.

Mr. Portelli testified that this application process is done on an annual basis, but no date has been set for 2018.

Member Fishbone questioned whether the applicant was in a competitive position to receive tax credits.

Mr. Portelli testified that the applicant had to submit a SelfScore as part of the application and is confident that they are competitive because of North Caldwell's location for jobs and good schools. According to the current timeline, notification of tax credits should be by the end of July, 2017.

Chairman Brower asked Mr. Portelli if there were any projects RPM has built in the area, and in the State.

Mr. Portelli Testified that RPM has been in business for 30 years, and has built 3,500 units in that time frame, and currently 3,000 are under management. Most of RPM's portfolio is in Urban Essex County, Newark and the Oranges, and a growing presence in Somerset County, Franklin Twp., and down the shore all the way to the suburbs of Camden County.

Chairman Brower asked Mr. Portelli if RPM built primarily for rent, or for sale.

Mr. Portelli testified that RPM builds primarily for rent, and they have their own management company that services the units.

Member Fishbone questioned the certification process to qualify for these units that are different from the normal market.

Mr. Portelli testified that what differences from a normal market rate unit is the level of documentation that one must provide to verify your income.

The tax credit program has strict guidelines, credit check, criminal background check, landlord history, references, and in consideration of all these factors, determines whether an application is accepted or denied. Tenants must demonstrate that they are able to afford the rent.

Mr. Dusinger, Esq. asked Mr. Portelli to explain the process that RPM went through with the Mayor and Council, and to what extent the application presented to the Board this evening is a reflection of that process.

Mr. Portelli testified that RPM presented two (2) concept plans to the Mayor and Council, one which was the direction they were encouraged to go with was a townhouse style with a traditional look and feel. Garages were added to every unit, washer and dryer were added to every unit. When RPM became the designated developer, more details about exterior finishes and other site improvements were presented. This concept which is being presented does reflect the negotiations and what was approved in the redevelopment agreement.

Chairman Brower opened the meeting to the public to ask questions as to what was presented by the developer, he is not the expert.

Bernard Albanese – 5 Four Seasons Drive, North Caldwell, asked what would be the number of people allowed to occupy a unit with a maximum income of \$62,000.

Mr. Portelli testified the number of occupants would be six (6), and that would be in a 3 bedroom unit.

Bernard Albanese questioned if there were any limitations to assets.

Mr. Portelli testified that there are certain guidelines in the tax credit program that have to do with assets, but he is not a compliance expert and is not able to answer the question.

Bernard Albanese – 5 Four Seasons Drive, North Caldwell asked Mr. Portelli if this development would be paying real estate taxes.

Mr. Portelli testified that they have applied for payment in lieu of taxes to the Borough. Taxes will be paid based on income from the project.

Arnold Chait – 97 Four Seasons Drive, North Caldwell. Questioned whether the new development had the right to discharge water on to Four Seasons property. Does the new development have to get approval from the Four Seasons Association for such access.

Mr. Portelli testified that he did not know.

Arnold Chait – 97 Four Seasons Drive, North Caldwell, asked Mr. Portelli if an economic feasibility study was done to confirm that the management costs after the project is built that it is feasible. In that budget did you include and anticipate any costs that contribute to the maintenance of the off- site drainage facilities.

Mr. Portelli testified there was nothing put in place at this time. There are costs for water and sewer, but not for drainage.

Lou Vento - 4 Four Seasons Drive, North Caldwell, asked Mr. Portelli if he could estimate how many children would be living in the new development.

Mr. Portelli testified that there may be 75 children.

Renee Rosenthal - 95 Four Seasons Drive, North Caldwell was concerned about the amount of traffic access going into and out the new development.

Mark Bunis – 129 Four Seasons Drive, North Caldwell asked Mr. Portelli the procedure for screening applicants applying for apartments  
Mr. Portelli testified that the applicant would have to generate payroll stubs from their job to substantiate income, credit checks, & criminal background check for any violent history.

Chairman Brower asked Mr. Portelli the timing on when project is completed, does it take 6 months or a year to rent all apartments.

Mr. Portelli testified that the North Caldwell project should be fully rented in 90 days, because of the high demand for housing in Essex County.

Mr. Dusinberre, Esq. asked Mr. Portelli if they would be renting apartments as you complete buildings, or is there a mandate that you have to complete the project before you begin renting.

Mr. Portelli testified that as a general business practice, marketing starts 3 months before occupancy is available for all 50 units.

Ed Rosenthal – 95 Four Seasons Drive, North Caldwell asked Mr. Portelli how many units has RPM built, have they had any bankruptcies, and how will they control the number of occupants in each unit.

Mr. Portelli testified that the units are subject to occupancy standards that have been vetted by Fair Housing attorneys and those are in place, they also have regular inspection units that give a sense of what is going on each unit.

Chairman Brower closed public part of the meeting and opened meeting to

RPM's experts to testify.

Mr. Piromalli, Esq. called project architect Joaquin Bouzas, AIA to testify.

Mr. Dusinberre, Esq. swore in Joaquin Bouzas.

Mr. Piromalli, Esq. asked Mr. Bouzas to describe the new development generally.

Mr. Bouzas testified that the project is a series of townhouse clusters of 5 in all, 2 to each terrace, with individual roads to each townhouse cluster.

Mr. Piromalli, Esq. asked Mr. Bouzas how many townhouse units will be constructed, number of units per building, and number of bedrooms.

Mr. Bouzas testified that there will be 50 units. There will be 3 clusters with 12 units and a mix of 1, 2, & 3 bedrooms, a cluster of 6 and a cluster of 8.

Mr. Piromalli, Esq. asked Mr. Bouzas to describe the exterior and interior of the structures.

Mr. Bouzas testified that the exterior will be a classic colonial style townhouse built with long lasting materials. He explained in detail the following EXHIBITS;

Exterior:

Exhibit A-1, dated 3/4/2017 – a colorized site plan.

Exhibit A-2, dated 3/4/2017 – architectural rendering of a series of units together showing what might be 1 townhouse cluster.

Interior Exhibits:

EXHIBIT A-3, dated 3/4/2017 - 1 bedroom and 3 bedroom end unit.

EXHIBIT A-4, dated 3/4/2017 - 2 bedroom under a 3 bedroom middle unit.

EXHIBIT A-5, dated 3/4/2017 - 2 bedroom over a 2 bedroom unit.

EXHIBIT A-6, dated 3/4/2017 - materials, siding and cast stone, roof

-shingles, wood finish around entry doors,  
-garage door finish

EXHIBIT A-7, dated 3/4/2017 - sample of stone

EXHIBIT A-8, dated 3/4/2017 - sample of brick

EXHIBIT A-9, dated 3/4/2017 - rear view of building

Mr. Piromalli, Esq. had no other questions for this witness.

Chairman Brower asked the Board if there were any questions for the witness.

Sandra Nathans – questioned what tenants could put on their porches.

Mr. Bouzas testified that there is only room for a couple chairs and a table for two.

Scott Fishbone – asked about where trash was kept, and how it would be picked up.

Mr. Bouzas testified that trash would be kept in each units garage, and pick up would be curbside, by RPM Management.

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

Chairman Brower opened the meeting to the public for questions only about architect's presentation.

Mark Bunis –129 Four Seasons Drive, North Caldwell wanted to know if there was a door at the rear, and if that door is just for the lower unit.

Mr. Bouzas testified that the rear door was just for the lower unit.

Mark Bunis – 129 Four Seasons Drive, North Caldwell asked Mr. Bouzas if there were any regulations in place as to what could be placed on the porches.

Mr. Bouzas testified that the porch is a small area and could only accommodate two chairs and a small table.

Mr. Dusinberre, Esq., suggested that it might be helpful later for the developer to address the issue of lease restrictions and rules.

Mr. Piromalli, Esq. introduced project engineer, Kevin E. Shelly, P.E.

Mr. Dusinberre, Esq. swore in Kevin E. Shelly, P.E.

Mr. Piromalli, Esq. asked Mr. Shelly to review the location of the property and the existing site.

Mr. Shelly testified the site has frontage along White Rock Road, Hilltop Road and proposed Road D which is part of the approved 62 lot subdivision for lot 3.01 to the north and west of the site. The property is bounded to the west with the Four Seasons Community, to the north by the 62 lot subdivision, and to east by various athletic fields.

Mr. Piromalli, Esq. asked Mr. Shelly to explain the proposed development for the site.

Mr. Shelly testified that the site features a 50 residential dwellings, there is a 2000 square foot community building, an outdoor pavilion, and a perimeter walkway around the site.

Mr. Piromalli, Esq. asked Mr. Shelly to explain the proposed ingress and egress to the site.

Mr. Shelly testified that because of the challenging topography of the site, it slopes down to the north to the south down toward the intersection of Hilltop Road and White Rock Road. Parking for ground floor units is on a minimum slope providing accessible parking for each unit. This resulted in using retaining walls which separate the site into 3 tiers. The lower tier has buildings 1 and 2, the middle tier buildings 3 and 4, and the upper tier has building 5 and the community building.

The lower tier, buildings 1 and 2 has egress and ingress to Hilltop Road, buildings 3, 4, 5 and the community building have access to Road D.

Mr. Shelly testified that there are 131 parking spaces, when only 99 are required.

Mr. Piromalli, Esq. asked Mr. Shelly to review the existing drainage on the site and the drainage improvements that are proposed

Mr. Shelly testified that drainage from north to south goes into White Rock Road or a drainage inlet that is located on the northern side of Hilltop Road, all these are collected by a drainage network that discharges through the Four Seasons Development. The proposed plan does not change any water flow patterns, but will provide onsite facilities which will store the increase runoff from the development and reduce the rate leaving the site to lower the amount of water going into the Four Seasons system.

Mr. Piromalli, Esq. asked Mr. Shelly to describe the height and location of the retaining walls which are required for this development.

Mr. Shelly testified that there are 4 retaining walls on site. Wall number 1 is located between the first 2 tiers and is approximately 375 feet long with a maximum height of 24 feet. and tapers down. The wall between adjacent to buildings 3 and 4 is approximately 330 feet long with a

maximum height of 20 feet and will taper down. Wall number 3 behind building 5 is approximately 206 feet long with a maximum height of 13 feet. The 4<sup>th</sup> retaining wall adjacent to subdivision lot 301 is approximately 150 feet long with a maximum height of 13 feet.

Mr. Piromalli, Esq. asked Mr. Shelly to describe the proposed landscaping improvements for this site.

Mr. Shelly testified that there will be a buffer of 25 feet along Road D, however the walls encroach into the buffer and they are requesting a 2.2 foot minimum due to the requested garages. There will be approximately 500 plantings along Road D, fruit trees and shrubs.

Mr. Piromalli, Esq. asked Mr. Shelly why the requested variances are necessary.

Mr. Shelly testified that variances are necessary because of the requests from the Mayor, Council and Planning Board. The buildings had to be larger than the original plan in order to accommodate the requests. The original plan did not include a washer and dryer in each unit, garages and porches.

The **FIRST VARIANCE** is for the minimum front yard setbacks, 25.05' is proposed, where 30' is required, this is only for front porches.

The **SECOND VARIANCE** is the minimum distance from the rear drive to the building 6.05' is proposed, where 15' is required.

The **THIRD VARIANCE** is relief from the Redevelopment Plan for the primary entrance to the development from Hilltop Road and Road D.

The **FOURTH VARIANCE** is relief from minimum fence setback of 4' from retaining wall.

The **FIFTH VARIANCE** is relief from maximum height of 3' for retaining Wall in the front yard and side yard parallel to or facing the street.

The **SIXTH VARIANCE** is relief from maximum height of 6' for retaining wall in front yard and side yard perpendicular to the street.

The **SEVENTH VARIANCE** is relief from De Minimus Exception from RSIS that requires 25 parking spaces off street. Due to the topography of the site 12 off street parking spaces will be provided at the community building. The **EIGHTH VARIANCE** is relief from De Minimus Exception from RSIS requirement of a roadway between buildings that exceeds 300 ' must have a cul-de-sac. Buildings 3 and 4 exceed 300'.

Mr. Piromalli, Esq. asked Mr. Shelly if he had a chance to review the report from Borough Engineer Frank Zichelli, P.E., dated March 30, 2017.

Mr. Shelly, P.E. testified that he read the report from Frank Zichelli, P.E.

Mr. Piromalli, Esq. reviewed specific comments of the report with Mr. Shelly. Specifically on page 3 of the report dealing with waste water system, comment 1 advises that a minor revision of the waste water system would be required because there is less velocity in the sanitary sewer by building number 5.

Mr. Shelly, P.E. testified that the design of the waste water system will be revised.

Mr. Piromalli, Esq. referred to comments on page 5 of the report under the heading of other comments, comment number 6 advised that a barrier or fence is required along the proposed sidewalk behind building number 5.

Mr. Shelly, P.E. testified that a fence will be added.

Mr. Piromalli, Esq. testified the he received the waste water report from Mott MacDonald, today, April 3, 2017, and has not had time to review the report, and anticipate this hearing will be continued to the April 24, 2017 date.

Chairman Brower suggested that the applicant wait to the April 24, 2017 meeting, since Mr. Zichelli, P.E. received Mott MacDonald's report today, April 3, 2017 and has not reviewed it.

Mr. Dusinger, Esq. suggested that the 3 engineers get together before the next meeting to review documents and plans.

Chairman Brower asked the Board if they had any questions.

Art Rees asked Mr. Shelly, P.E. if he could explain to the public what they will actually see when they are coming up White Rock Road.

Mr. Shelly, P.E. displayed EXHIBIT A-10 which show a view of the development. Mr. Shelly, P.E. explained all the different views in detail.

Art Rees asked whether there would be any utilities connected to the pavilion.

Mr. Shelly, P.E. testified that there were no utilities proposed for the pavilion.

Chairman Brower had safety concerns with traffic flow from the development.

Mr. Shelly, P.E. testified that for 50 apartment units, the trips per hour generated at peak hours, morning and evening commute times, 26 trips per hour in the morning, and 31 trips per hour in the evening. There would approximately 1 vehicle every 2 minutes coming and going from this development. If is broken up into the 3 tiers there would be 8 cars per hour leaving and coming into the development.

Chairman Brower was concerned about mail delivery and UPS deliveries.

Mr. Shelly, P.E. was not able to answer the Chairman's question, but would have an answer at the next meeting.

Mr. Dusingberre, Esq. testified that the Police Department and Fire Department have been given the plans for this development and the Board is waiting for their reports.

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

Art Rees asked Mr. Shelly, Esq. to describe the curbing, sidewalks, and lighting.

Mr. Shelly, P.E. testified proposed sidewalks are concrete, cinder outdoor walking trail, Belgian block curbing, lighting on Hilltop Road and all interior roads.

Chairman Brower would like to start the Planning Board meeting on April 24, 2017 with questions for the engineer from the public, and have testimony on storm water, open meeting for questions from the public, then testimony from the development Planner.

Bernard Albanese – 5 Four Seasons Drive, North Caldwell wanted to address storm water issues at this meeting.

Chairman Brower said the Board requested that all 3 engineers get together before the next meeting. The Board needs to get hard information, we cannot deal with what ifs. The Chairman suggested that Bernard Albanese. President of Fours Season Association have his attorney get in touch with the attorney from K. Hovnanian.

Mr. Piromalli, Esq. asked that Board if the meeting on April 24, 2017 could start at 7:30 p.m. instead of 8:00 p.m.

Chairman Brower agreed, notice of time change will be published.

Chairman Brower closed this portion of the meeting and asked if there was any one from the public regarding anything other than this application. There were no questions.

Chairman Brower asked if the Board had any questions, there were none. Chairman Brower asked for a motion to adjourn Planning Board meeting.

Moved by:	Member Joseph Barba
Seconded by :	Member Sandra Nathans

Roll Call Vote:

MEMBER	YES	NO	ABSTAIN	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			
Member Joseph Barba, 1 <sup>st</sup> Alt.	X			
Member Sandra Nathans, 2 <sup>nd</sup> Alt.	X			

Respectfully submitted,



Mel Levine

Planning Board Secretary

ML