

# PLANNING BOARD MINUTES

## REGULAR MEETING

March 27, 2017

8:00p.m.

1. The Planning Board Meeting of March 27, 2017 was called to order by Chairman Joseph Brower at 8:00 p.m.
2. Sunshine Law Statement that this meeting is being held in accordance with the Open Public Meetings Law, noticed of this meeting was provided in accordance with the requirements of Chapter 231, P.L. 1975
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 Dusinberre	X	

Mayor Joseph Alessi recused himself from the meeting because of a conflict with the only application on the agenda

5. A motion to approve the minutes from the January 23,2017 Regular meeting

Moved by:	Vice Chairman James Campbell
Seconded by :	Member Dr. Carl Spinelli

### 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			
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6. A motion to approve the minutes from the February 6, 2017 Conference meeting

Moved by:	Vice Chairman James Campbell
Seconded by :	Member Joseph Barba

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	

7. A motion to approve the Memorialization of Resolution approving the Amended Preliminary and Final Subdivision of Hilltop Parcel 3; Block 101, lot 3.01.

Moved by:	Member Joseph Barba
Seconded by :	Member Dr. Carl Spinelli

Roll Call Vote:

MEMBER	YES	NO	ABSTAIN	ABSENT
Chairman Joseph Brower	X			
Vice Chairman James Campbell	X			
Mayor Joseph Alessi				X
Councilman Art Rees				
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	

8. Citizens to be heard, there were none present.

Mr. Dusinberre, Esq. noted that White Rock Urban Renewal Associates, L.P. was scheduled for this evening has been carried to April 3, 2017 for Public Hearing without further notice.

9. Chairman Brower asked for a motion to adjourn Regular meeting

Moved by:	Member Joseph Barba
Seconded by :	Member Dr. Carl Spinelli

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			

10. Chairman Brower moved Conference meeting to the Conference Room

11. Roll Call

Moved by:	Member Joseph Barba
Seconded by :	Member Dr. Carl Spinelli

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			

12. Reviewed Whit Rock Urban Renewal Associates, L.P. for completion

13. Citizens to be heard. There were no citizens present

14. A motion to adjourn Conference meeting

Moved by:	Member Joseph Barba
Seconded by :	Member Dr. Carl Spinelli

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			

Respectively submitted,

Mel Levine  
 Planning Board Secretary

ML

**BOROUGH OF NORTH CALDWELL PLANNING BOARD  
RESOLUTION OF MEMORIALIZATION**

Approved: February 13, 2017  
Memorialized: March 27, 2017

**IN THE MATTER OF K. HOVNIANIAN AT NORTH CALDWELL IV, LLC; AMENDED PRELIMINARY AND FINAL MAJOR SUBDIVISION, BLOCK 101, LOT 3, HILLTOP AT ESSEX COUNTY NJ PARCEL 3 WITH VARIANCES AND WAIVERS**

**WHEREAS**, K. Hovnianian at North Caldwell IV, LLC, A New Jersey Limited Liability Company, (hereinafter known as "Applicant"); applied for and was granted a preliminary and final major subdivision, variances and waivers with the Borough of North Caldwell Planning Board (hereinafter known as the "Planning Board") by Resolution adopted March 28, 2016 and memorialized June 20, 2016 (hereinafter the "Approvals"); and,

**WHEREAS**, K. Hovnianian at North Caldwell IV, LLC, A New Jersey Limited Liability Company, (hereinafter known as "Applicant"); has submitted a request to amend the preliminary and final major subdivision, variances and waivers with the Borough of North Caldwell Planning Board (hereinafter known as the "Planning Board"); and,

**WHEREAS**, the land that is the subject matter of the application was known as Block 101, Lot 3 on the Official Tax Map of the Borough of North Caldwell at the time of application and is now known as Block 101, Lot 3.01 after the subdivision of former Lot 3 into two (2) parcels and fronting on and having access from Hilltop Drive, North Caldwell, New Jersey (the "Development"); which subdivision excluded therefrom that parcel known as Block 101, Lot 3.02, newly created by filed map #4666 as hereinafter described, to be used by the Borough of North Caldwell to meet affordable housing obligations; and,

**WHEREAS**, the Applicant has entered into a contract to sell the Development to the Pulte Group, or its nominee, and the plans and dwelling designs are submitted to fulfill the Applicant's obligations under the sales contract; and,

**WHEREAS**, the Applicant has applied to amend the Approvals for the purpose of re-grading proposed Lots 26 through and including Lot 45 (the "Revised Lots") to permit dwellings with garages beneath the first floors of living space, and the variances relating to walls with respect to said lots, and for no other changes to the Approvals previously granted; and, in addition for the approval of the location of the proposed temporary sales trailer/office (the "Amended Approvals"); and,

**WHEREAS**, it has been determined that the Applicant, has complied with all of the procedural rules, regulations and requirements of the Planning Board and that all of the required provisions of procedural compliance have been filed with the Planning Board; and,

**WHEREAS**, the Applicant was represented by Robert A. Gaccione, Esq, and the Planning Board has heard the testimony of the Applicant's representatives and professionals (a) Peter A. Ciliberto, Jr., Professional Engineer of Najarian Associates.; (b) Michael J. Tobia, Professional Planner; (c) William Feinberg, Architect; (d) and, James P. Mullen, Director of Land Entitlements for Pulte Homes, contract purchaser from the Applicant; and,

**WHEREAS**, public hearings were held on the application on January 23, 2017, and on February 13, 2017; and,

**WHEREAS**, the Planning Board heard from members of the public throughout the hearings, permitted questions of witnesses, and opened the meeting for public comment and presentation at the conclusion of the Applicant's case; and,

**WHEREAS**, the Applicant has submitted, and the Planning Board has reviewed, the following documents:

Subdivision plans entitled “Amended Preliminary/Final Major Subdivision Plan, for Hilltop at Essex County, NJ Parcel 3, Block 101, Lot 3, Tax Map Sheets 2 & 3, Borough of North Caldwell, Essex County, New Jersey” as prepared by Najarian Associates, dated November 26, 2014 and revised through November 18, 2016.

Location plan entitled “Sales Trailer Preliminary/Final Major Subdivision Plan, for Hilltop at Essex County, Block 101, Lot 3, Tax Map Sheets 2 & 3, Borough of North Caldwell, Essex County, New Jersey” as prepared by Najarian Associates, dated January 13, 2017, consisting of 1 sheet.

List of variances requested prepared by Najarian Associates and dated December 7, 2016, setting forth the wall variances previously approved and detailing the changes, additions and deletions in walls to amend the variances.

**WHEREAS**, during the course of the public hearings the following exhibits became part of the record for this application:

Exhibit #	Applicant Exhibits	Date Entered
A-1	Overall Plan Rendering	1/23/2017
A-2	Plan Showing Area of Revised Grading	1/23/2017
A-3	Lot 38 Blow-up	1/23/2017
A-4	Lot 43 Blow-up	1/23/2017
A-5	Lot 27 Blow-up	1/23/2017
A-6	16" PSEG Gas Main Relocation Plan	1/23/2017
A-7	Architectural Streetscape Rendering A – Uphill View	1/23/2017
A-8	Architectural Streetscape Rendering B – Downhill View	1/23/2017
A-9	Hilltop Model – 4 sheets	1/23/2017
A-10	Wildwood Model – 3 sheets	1/23/2017
A-11	Melrose Model – 3 sheets	1/23/2017
A-12	Wildwood Model – color	2/13/2017
A-13	Hilltop Model – color	2/13/2017
A-14	Melrose Model – color	2/13/2017
A-15	Vanderbilt Model – color	2/13/2017
A-16	Ferman Model – color	2/13/2017
A-17	Bentley Model – color	2/13/2017
A-18	Color Scheme #31	2/13/2017

**WHEREAS**, the Planning Board reviewed the documentary evidence submitted by the Applicant and its experts; and has made the following findings of fact and conclusions of law:

1. The Property consists of approximately 31.01 acres of open space after the removal of Block 101, Lot 3.02 from the original plans, lying in the Hilltop Redevelopment R-8 Zone that, among other bulk requirements, establishes minimum lot sizes of 8,460 square feet.

2. The Applicant previously received approval to sub-divide the Property into sixty-two (62) single-family residential building lots on public roads to be constructed; three (3) detention basins; and one (1) lot (proposed Block 101, Lot 66) of five and one one-hundredths (5.01) acres to be dedicated to the Borough of North Caldwell for the construction of affordable housing (the "Affordable Housing Site"). The Affordable Housing Site, now designated as Block 101, Lot 3.02, has been created by subdivision by the filing of the map entitled, "Final Plat - Major Subdivision, Hilltop at Essex County, NJ Parcel 3, Lot 3, Block 101, Tax Map Sheets 1 & 2, Borough of North Caldwell, Essex County, New Jersey" as prepared by Najarian Associates, dated June 14, 2016 and revised through July 19, 2016, which map was filed on November 3, 2016, in the Office of the Register of Essex County as Map #4666.

3. The residential units are age targeted with one hundred (100%) percent of the models offered for sale by the Applicant having master bedrooms on the first floor, where the Approvals had only fifty (50%) percent of the models offering master bedrooms on the first floor.

4. The Applicant proposes changes to the grading of the Revised Lots in order to offer and construct a model type that will allow garages to be under the first floor living space, which changes will result in (a) the reduction of approximately fifty (50%) percent of the aggregate length and area of retaining walls in the rear yards; (b) the reduction in overall rear wall heights; (c) the reduction in blasting required; (d) the saving of more trees in the rear yards; (e)

smaller dwelling footprints and a larger open space in the rear yards; (f) the addition of new non-conforming retaining walls on one side of every driveway; (g) a reduction in site disturbance with approximately 20,000 cu/yds. less rock and 50,000 cu/yds. less soil to be removed from the site; and, (h) the re-design of the PSEG gas main that will result in less pipe re-location and less soil removal.

5. All of the lots in the Development continue to conform to the zoning standards of the Borough of North Caldwell, except as otherwise provided herein for the granting of wall variances.

6. The Approvals for the Development remain unchanged with respect to (a) lot lines; (b) road layouts and dimensions; (c) stormwater management facilities; (d) utility plans and designs serving the new community;

7. The stormwater management plan remains unchanged as to design, although the changes to the Revised Lots will reduce the volume of water entering the system from the Revised Lots due to the smaller roof areas of the revised models.

8. The Applicant has submitted floor plans for model homes that have been an integral part of the Planning Board review as they relate to (a) the impact of dwelling size on the variances requested; (b) the evaluation of the ability of the Development to comply with the "look-alike" requirements of the Borough Ordinance; (c) the evaluation of the ability of the Development to comply with the offering of fifty (50%) percent of the models with first floor master bedrooms as required in the Borough Ordinance; and, (d) the impact of the dwellings types on the amount of stormwater contributed to the stormwater system.

9. The Revised Lots, as was the case with the prior Approvals for the Development contain areas with steep slopes that necessitate significant site clearing and the construction of retaining walls in order to create lots suitable for the building of residential dwellings. The Board, based on the foregoing findings, concluded that the Applicant has proven (a) peculiar and exceptional practical difficulties and exceptional and undue hardship due to topographical and geological conditions; and (b) that the benefits of the amended deviations to the Revised Lots outweigh any detriment the changes present; and that the Applicant has proven that the variances set forth on Exhibit A to this Amended Resolution may be granted pursuant to both N.J.S.A. 40:55D-70c(1) and c(2). The Board has further concluded that the variances requested may be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan and Zoning Ordinance. The Board, based on the aforementioned findings, concluded that the Applicant has proven that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements. The Board further finds that the grading changes to the Revised Lots reduce the overall intensity of the variances previously granted.

10. The development of the site and the approvals granted by the Planning Board continue to be subject to the terms, conditions, provisions and requirements of both the Settlement Agreement and the Borough of North Caldwell Hilltop Redevelopment Plan, as amended.

***NOW, THEREFORE BE IT RESOLVED*** that the Planning Board of the Borough of North Caldwell does hereby approve the two (2) variances (a) for wall heights as set forth on the attached Schedule A; and, (b) permitting driveway retaining walls to encroach into the front-

yard set-backs of dwellings, if they are attached to the foundations of the dwelling to which they are appurtenant resulting in said walls being considered structures, as requested by the Applicant, subject to the conditions as hereinafter set forth; and,

***NOW, BE IT FURTHER RESOLVED*** that the Planning Board of the Borough of North Caldwell does hereby approve the amended preliminary and amended final major subdivision requested by the Applicant as more particularly described and shown on a map entitled "Amended Preliminary/Final Major Subdivision Plan for Hilltop at Essex County, NJ, Parcel 3, Block 101, Lot 3, Tax Maps Sheets 2 & 3, November 2014, Borough of North Caldwell, Essex County, New Jersey" prepared by Najarian Associates, One Industrial Way West, Eatontown, New Jersey 07724, dated November 26, 2014, and revised through November 18, 2016, consisting of 24 sheets, subject to the following terms and conditions:

1. The Applicant shall revise the plans and drawings as required to comply with the testimony given by the applicant's professionals. This condition shall be fulfilled prior to the signing of the final subdivision plat by the Planning Board for the Development.
2. The Applicant shall comply with all of the requirements set forth in the Approvals set forth in the Planning Board Resolution adopted March 28, 2016 and memorialized June 20, 2016, not specifically amended herein.
3. The driveway walls shall be constructed in a manner so as not to look-alike by using (a) varied surface materials; (b) variations in curve or stepping; and, (c) by combining curves and flat areas.
4. The driveway walls shall not exceed nine (9') feet at the high point near the dwelling and shall transition to zero height at the right-of-way line for the street, with an

average height of approximately four and one-half (4.5') feet. There shall be extensive landscaping at the high end of every wall to dissuade persons from approaching the wall at said location.

5. The Applicant shall comply with the requirements of PSEG regarding the improvements to the gas line in the existing easement as now amended.

6. The proposed model homes shall be offered in compliance with the Borough's Ordinances that provide for at least fifty (50%) percent of the models offered shall have master bedrooms on the first floor.

7. The Applicant shall enter into a Developer's Agreement with the Borough of North Caldwell.

8. All rules and regulations of any other governmental agency having jurisdiction over the subdivision shall be complied with, including but not limited to the payment of all taxes, water and sewer charges and applications fees and/or charges.

9. Principal buildings in proximity to each other on the same street shall not look alike. Each principal building shall be compared to the buildings on the lots on either side and to the building on the facing lot across the street, and the two lots on either side of the facing lot. Buildings shall differ from one another in two of the following ways:

i. Exterior wall treatment, meaning color or type of cladding (for example, brick, stone, siding)

ii. Architectural style

iii. Major features such as porches or turrets

iv. Organization and number of garage bays

v. Wing configuration

vi. Roof shape

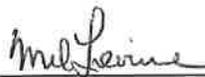
This condition shall be satisfied on a building by building basis as dwellings are constructed.

10. This approval is subject to and conditioned upon the sale, transfer and conveyance of the Development by the Applicant to the Pulte Group, or its subsidiary. The failure of this condition will result in the Approvals adopted March 28, 2016, remaining in full force and effect.

<b>Member:</b>	<b>On the Motion</b>				<b>On the Memorialization</b>			
	Moved by: Member Dr. Spinelli Second by: Member				Moved by: Member Barba Second by: Member Spinelli			
	Yes	No	Abstain	Absent	Yes	No	Abstain	Absent
Joseph Brower, Chairman	X				X			
Mayor Joseph Alessi				Recused				Recused
James Campbell	X				X			
Arthur Rees		X			----			
Scott Fishbone	X				X			
Dr. Carl Spinelli	X				X			
Mel Levine	X				X			
Joseph Barba, 1 <sup>st</sup> Alternate	X				X			
Sandra Nathans, 2 <sup>nd</sup> Alt.	X*						X	*

\*2<sup>nd</sup> Alternate vote not required.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Planning Board at its regular meeting on March 27, 2017.



MEL LEVINE, Planning Board Secretary



**Najarian**  
Associates

Engineers • Planners • Scientists • Surveyors

## List of Variances Requested

December 7, 2016

Re: K. Hovnanian at North Caldwell IV, LLC  
Parcel 3, Block 101, Lot 3

The applicant K. Hovnanian at North Caldwell IV, LLC (the "Applicant") is filing the present application with the North Caldwell Planning Board requesting preliminary and final major subdivision approval in addition to bulk variances and submission waivers to subdivide existing property known as Block 101, Lot 3 on the North Caldwell Tax Map and otherwise known as Hilltop Parcel 3 into 66 tax lots. Of the 66 proposed lots, 62 are proposed to be developed for single family dwellings, 3 are proposed as stormwater detention basins and 1 lot is to be deeded to the Borough of North Caldwell for development as an affordable housing apartment complex.

The subject property is located in the R-8 and the Affordable Housing Zone and the uses proposed are permitted in the zones. Please see below a list of the variances and waivers requested in conjunction with the application for preliminary and final major subdivision approval.

In order to develop the subject property as proposed, the Applicant is seeking five "C" or bulk variances pursuant to N.J.S.A. 40:55-70(c) for the following deviations from the North Caldwell Zoning Ordinance:

**Class C Variance: No Retaining Walls within 25' of a street center line nor 10' of a street ROW**

Section 107-32 states that no retaining wall shall be erected within 25 feet of a street center line or within 10 feet of the street right-of-way.

Variance relief is requested for walls along Hilltop Drive from approximately Station 20+50 to Station 23+75 and at the end of the Road "E" Cul-De-Sac due to the adjacent environmentally sensitive area. The lots affected by this are building lots 20 and the right-of-way of Hilltop Drive in which a retaining wall is located on the right-of-way line and building lots 25 and 26 in which the retaining wall is 5 feet off the right-of-way line.

Variance relief is also requested for Detention Basin 2, where the basin walls come within 4 feet of the stub end of Glenview Road.

**EXHIBIT "A"**



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**Class C Variance: Maximum Height of 3' for Retaining Wall in the Front Yard and Side Yard parallel to or facing the street**

Section 107-32 allows a maximum height of a wall in the front yard and side yard (including the facing yard on a corner lot) which is essentially parallel to or facing the street to be no more than three (3) feet.

Variance relief is requested for walls along Hilltop Drive from approximately Station 20+50 to Station 23+75, building lot 20 and building lots 25 and 26 at the end of the Road "E" Cul-De-Sac due to the adjacent environmentally sensitive area. Variance relief is also requested for walls along the side yard of building lot 45 due to excessive existing steep slopes. In addition, variance relief is requested for walls along the side yard of the lot for Detention Basins 1 & 2 for construction of the detention basins. The maximum heights of these walls are set forth below. All walls will have a 4 foot fence on top of the wall:

Hilltop Drive (20+50 to 23+75)	8 foot wall + 4 foot fence = 12 feet
Building Lot 20	7 foot wall + 4 foot fence = 11 feet
Building Lot 25	7 foot wall + 4 foot fence = 11 feet
Building Lot 26	4.5 foot wall + 4 foot fence = 11.5 feet
Detention Basin 1	4 foot wall + 4 foot fence = 8 feet
Detention Basin 2	6.5 foot wall + 4 foot fence = 10.5 feet



**Class C Variance: Maximum Height of 6' for Retaining Wall in the Front Yard and Side Yard perpendicular to the street**

Section 107-32 allows a maximum height of a wall in the front yard and side yard that is essentially perpendicular to the street to be no more than six (6) feet up to the line of the building envelope.

Variance relief is requested for walls within the front and side yard of building lot 20 and building lot 25 due to the adjacent environmentally sensitive area. Variance relief is also requested for walls along the side yard of building lot 15 due to an existing gas main that runs perpendicular to the street. Also, variance relief is requested for building lots 50 through 55 due to the 9% grade of Hilltop Drive. Variance relief is further requested for walls along the side yard of building lots 45, 57 through 62 due to the 12% road slope of Road "D". In addition, variance relief is requested for walls along the side yard of the lots for Detention Basins 1 & 2 for construction of the detention basin. The maximum heights of these walls are set forth below. For multi-tiered walls the wall height listed below is the height of the tallest tier. All walls will have a 4 foot fence on top of the wall.

Building Lot 15	4 foot wall + 4 foot fence = 8 feet
Building Lot 20	8 foot wall + 4 foot fence = 12 feet
Building Lot 21	8 foot wall + 4 foot fence = 12 feet
Building Lot 25	7 foot wall + 4 foot fence = 11 feet
#Building Lot 26-45	9 foot wall + 4 foot fence = 13 feet
Building Lot 50	5 foot wall + 4 foot fence = 9 feet
Building Lot 51	3.5 foot wall + 4 foot fence = 7.5 feet
Building Lots 52-53	4 foot wall + 4 foot fence = 8 feet
Building Lot 54	4.5 foot wall + 4 foot fence = 8.5 feet
Building Lot 55	5 foot wall + 4 foot fence = 9 feet
Building Lot 57	4 foot wall + 4 foot fence = 8 feet
Building Lots 58 – 59	8 foot wall + 4 foot fence = 12 feet
Building Lots 60 – 62	6 foot wall + 4 foot fence = 10 feet
Detention Basin 1	4 foot wall + 4 foot fence = 8 feet
Detention Basin 2	13 foot wall + 4 foot fence = 17 feet

# - New variance or relief sought for an existing variance has been increased

\* - Relief sought for an existing variance has been reduced



**Class C Variance: Maximum Height 5' for Retaining Wall in the Rear Yard**

Section 107-32 allows a maximum height of a wall in the rear yard to be no more than five (5) feet.

Variance relief is requested for various walls in the rear yards of building lots 1-5, 7-11 due to the walkout condition of the lot and/or the adjacent lot, building lot 15 due to an existing gas main that runs perpendicular to the street, building lots 21 through 45 due to the excessive existing steep slopes, lots 48 through 53, 55 - 56 due to the 9% road slope of Hilltop Drive, lots 57 through 62 due to the 12% road slope of Road "D", in the rear yards of building lots 4 through 5 due to the existing detention basin. A variance is also requested for building lot 20 due to the location of Detention Basin 2 to the rear of the lot and the environmentally sensitive area adjacent to the lot. Variance relief is further requested for walls along the rear yard of the lots for Detention Basin 1 & 2 for construction of the detention basins. The maximum heights of these walls are set forth below. For multi-tiered walls the height listed below is the height of the tallest tier. All walls will have a 4 foot fence on top of the wall.

Building Lot 1	5 foot wall + 4 foot fence = 9 feet
Building Lot 2	4 foot wall + 4 foot fence = 8 feet
Building Lot 3	5 foot wall + 4 foot fence = 9 feet
Building Lot 4	6 foot wall + 4 foot fence = 10 feet
Building Lot 5	8 foot wall + 4 foot fence = 12 feet
Building Lots 7 - 10	5 foot wall + 4 foot fence = 9 feet
Building Lot 11	4 foot wall + 4 foot fence = 8 feet
Building Lot 15	4 foot wall + 4 foot fence = 8 feet
Building Lot 20	8 foot wall + 4 foot fence = 12 feet
Building Lots 21 - 22	8 foot wall + 4 foot fence = 12 feet
Building Lot 23	6 foot wall + 4 foot fence = 10 feet
Building Lot 24	5 foot wall + 4 foot fence = 9 feet
Building Lot 25	6 foot wall + 4 foot fence = 10 feet
*Building Lot 26	4 foot wall + 4 foot fence = 8 feet
Building Lot 27	8 foot wall + 4 foot fence = 12 feet
*Building Lots 28 - 29	5 foot wall + 4 foot fence = 9 feet
*Building Lot 30	6 foot wall + 4 foot fence = 10 feet
*Building Lots 31 - 32	7 foot wall + 4 foot fence = 11 feet
*Building Lot 33	6 foot wall + 4 foot fence = 10 feet
Building Lot 34	7 foot wall + 4 foot fence = 11 feet
*Building Lot 35	4 foot wall + 4 foot fence = 8 feet
*Building Lot 36	5 foot wall + 4 foot fence = 9 feet
*Building Lot 37 - 38	7 foot wall + 4 foot fence = 11 feet
*Building Lots 39 - 40	6 foot wall + 4 foot fence = 10 feet
*Building Lot 42	6 foot wall + 4 foot fence = 10 feet

\* - Relief sought for an existing variance has been reduced



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*Building Lot 43	7 foot wall + 4 foot fence = 11 feet
*Building Lots 44 - 45	6 foot wall + 4 foot fence = 10 feet
Building Lots 48 - 51	6 foot wall + 4 foot fence = 10 feet
Building Lots 52 - 53	3 foot wall + 4 foot fence = 7 feet
Building Lots 55 - 57	4 foot wall + 4 foot fence = 8 feet
Building Lots 58 - 59	8 foot wall + 4 foot fence = 12 feet
Building Lot 60	6 foot wall + 4 foot fence = 10 feet
Building Lots 61 - 62	7 foot wall + 4 foot fence = 11 feet
Detention Basin 2	13 foot wall + 4 foot fence = 17 feet
Detention Basin 1	5 foot wall + 4 foot fence = 9 feet

\* - Relief sought for an existing variance has been reduced



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**Class C Variance: Minimum Fence Setback of 4' Required from Retaining Wall**

Section 107-32 requires that any fence placed on the top of a retaining wall is required to be set back four (4) feet from the face of the retaining wall measured horizontally.

Variance relief is requested for various fences which will be placed directly on the top of retaining walls with a 0 foot horizontal setback in the side and rear yard of building lots 1 through 12, 17, 20 through 45 and 48 through 62, Detention Basin 2 in order to reduce the impact to existing homes on Glenview Road and Detention Basin 3. This variance relief is being requested for safety and fall protection reasons in that the 4 foot horizontal separation would allow persons to get between the fence and the top of the retaining wall. In addition, the 4 foot horizontal separation for retaining walls located in side and rear yards on building lots limit the usability of the private yard space and reduce the available area for homeowner use, and also adversely impacts the ability to properly maintain those areas.

Variance relief is requested for the fences atop of retaining walls as listed below.

Building Lots 1 through 5, 7 through 11	0 foot setback
Building Lot 15	0 foot setback
Building Lots 20 through 45	0 foot setback
Building Lots 48 through 62	0 foot setback
Detention Basin 1	0 foot setback
Detention Basin 2	0 foot setback



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In order to develop the subject property as proposed, the Applicant is seeking two submission waivers for the following deviations from the North Caldwell Zoning Ordinance:

**Submission Waiver Request: Boundary Survey required**

Pursuant to North Caldwell Ordinance Section 107-37A(3), a boundary survey showing location of existing property lines, buildings, wooded areas, tree groups and isolated trees greater than 10" in diameter (designated as to species), watercourse and width and direction of flow, storm sewer, water mains, electric lines, telephone lines and other existing features is required.

The applicant is requesting a submission waiver to defer showing all trees greater than 10" in diameter (designated as so species) until plot plans are submitted.

**Submission Waiver Request: Tree Removal and Planting Plan required**

Pursuant to North Caldwell Ordinance Section 96-5, the location of trees or wooded areas are to be shown on the tree removal and planting plan, where a tree is defined as a woody perennial plant having a diameter greater than 6", measured at a point 4 and 1/2" above the ground is required.

The applicant is requesting a submission waiver to defer showing all trees greater than 6" as measured 4 and 1/2" above the ground until plot plans are submitted.