

PLANNING BOARD MINUTES
REGULAR MEETING
SEPTEMBER 28, 2015

1. The Planning Board Regular Meeting of September 28, 2015 was called to order by Chairman Joseph Brower at 8:00 p.m.
2. Chairman Joseph Brower read the Open Public Meeting Notice
3. Pledge of allegiance
4. Roll Call was taken by Planning Board Secretary, Mel Levine.

Attendance 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 Dusinger	X	

5. A motion to accept the minutes of the August 17, 2015 Regular meeting

Moved by:	Member Dr. Carl Spinelli
Seconded by :	Member Sandra Nathans

Roll Call Vote:

MEMBER	YES	NO	ABSTAIN	ABSENT
Joseph Brower, Chairman	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 st Alt.	X			
Member Sandra Nathans, 2 nd Alt.	X			

- .6. Chairman Joseph Brower explained to the public the Planning Boards protocol and procedures in conducting an application before the Planning Board..
7. Michael Piromalli, Esq., from the firm of Gaccione Pomaco, representing the applicant K. Hovnanian at North Caldwell IV, LLC, Block 101, Lot 3 will be presenting testimony and exhibits in support of the Final Subdivision application, Michael Piromalli, Esq. asked Chairman Joseph Brower if he had any questions for John Caniglia, Esq., area counsel for K. Hovnanian. Chairman Brower wanted to know if the applicant wanted the information the Board received from Suburban Consultants on Friday to be addressed this evening, since the Board did not have enough time to study the documents. Mr. Caniglia said that they just received the documents on Friday and did not have time to study them, and was not in a position to discuss those issues tonight.

Mr. Dusinger, Esq. asked Mr. Cananiglia if he plans to get into stormwater management tonight. Mr. Piromalli said we plan to go through the provisions that were made to the plans submitted and to the extent that it deals with stormwater management concerns at the next meeting, since K. Hovnanian, North Caldwell and Hatch Mott McDonald have not had sufficient time to review the Revisions submitted.

Chairman Brower wanted to make Mr. Ramsey, Esq. (Four Seasons attorney) that he heard this testimony, and that he understand why this we would this issue was brought up at this time, and would have some discipline moving forward. Mr. Ramsey fully understood and agreed with the Chairman. Mr. Dusinger asked Mr. Ramsey if he was prepared to ask questions that would be a follow up on the SEC report. Mr. Ramsey stated that their engineers have not had sufficient time to fully review the documents, and that it was his understanding that Mr. Ciliberto (site engineer) would be at the next meeting and would be available for any questions that may be, and they might be responding to our report. Mr. Dusinger assured Mr. Ramsey that Mr. Ciliberto will be at our next meeting and he would have the opportunity to cross examine the witness.

Chairman Brower stated there were a series of issues that needed to be addressed, and that all the engineers should be on the same page. Mr. Chairman asked that the Boards questions are answered first.

Mr. Piromalli stated that Mr. Ciliberto, project engineer will discuss the revisions to the plans and stormwater management report in detail, and questions of concerns that the Board and public have voiced, and if time permits, we plan to present our project Architect Joseph Lipanovski, to discuss the type and style of homes that are proposed as well as describe the overall development scheme. With that being said, I would like to call our first witness, project engineer Peter A. Ciliberto. He will discuss the concerns to the plans first:

1. Will stormwater from discharge 2 be able to safely reach the stream?

Exhibit A-5, 9/28/2015.

Mr. Dusinberre asked Mr. Ciliberto to describe Exhibit A-5. Mr. Ciliberto described Exhibit A-5 with the date 9/28/2015 as a colored rendering of the project with changes made to Basin 2, and additional landscaping. The first issue that came up from a Board member was the discharge from basin 2, located in the north end of property, which will be directed to the stream that runs from the culvert through the woods into culvert, crossing Glenview Road. We sent our survey crew to the site to as-built the area from our discharge to the stream; existing contours of the area were then generated from the as-built information.

Figure 3.2 in Appendix "C" of the Storm water Report (November 20, 2014, revised September 18, 2015) maps out the estimated path of flow for the 100-year discharge from the basin. The runoff does not come close to any of the residential lots along Glenview Road.

We have cleaned up the plans and removed any notation to the Borough of Montvale and have removed the notation regarding steel fencing.

We have looked at the ability of redirecting flow from Basin 2 to Basin 3.

There was a slight reduction in the area to Detention Basin 2 of 0.19 acres as a result of reconfiguring the detention basin and infiltrating rooftop runoff into seepage pits in the back yard of lots 1 – 20.

The discharge from Detention Basin 2 has been reduced from the original design of 22.15cfs to 16.83cfs for the 100 year storm, the 2 year and 10 year storms were reduced as well.

A detail of the fence on top of the walls has been provided in the plans.

At the last meeting there were concerns raised regarding proposed work in the conservation easement. Mr. Ciliberto discussed the easement and what work is proposed within the easement.

Starting with the area along Detention Basin 2, north end of the conservation easement, as shown on the concept plan, that was an exhibit to the settlement agreement, a detention basin was clearly contemplated for this area, which did extend into the conservation easement.

The settlement agreement provides that the submission of the plan to the planning board will be substantially consistent with the design as represented in the Concept Plan.

The applicant is removing Detention Basin 2 out of the conservation easement, along the boundary with the existing lot at the end of Glenview Road.

Going south along the conservation easement, a 50 foot line was drawn around

the stub end of Glenview Road. Clearly there was no intent of providing a 50 foot buffer around the end of Glenview Road. The intent was to provide a 50 foot buffer around the end of Glenview.

There are a number of utilities that connect through the end of Glenview Road and a basin access road, which hinders the ability to provide a landscaping buffer at the end of Glenview Road. A corner of Detention Basin 2 is within this part of the conservation easement, but not within that part of the conservation easement that provides the 50 foot buffer to the existing residents.

Behind proposed lots 6 -15 is the 50 foot conservation easement along the rear yards of the residents along Ferndale. For the most part this easement is left undisturbed with the exception of extending the existing berm to the north, towards Glenview Road, and supplementing the existing vegetation with additional planting especially along the extended berm.

Behind proposed lots 4 – 6 is Detention Basin 3, which is shown on the concept plan. A detention basin was clearly contemplated for this area that extended into the conservation easement. The location of this basin was already being designed and approved, at the time the settlement agreement was being written, as an interim basin to replace the underground basin that was to be constructed as part of the Parcel 4 development.

The conversation easement behind proposed lots 1 – 4 were already disturbed as part of the demolition of the existing buildings extended into the conservation easement. Currently this area is devoid of any substantial vegetation. It is the intent of these plans to grade the area as needed and provide landscaping in the conservation easement.

Michael Piromalli, Esq. asked the Board if they had any questions about the conservation easement before we move forward

Frank Zichelli, P.E., commented that there are requirements that walls, fences, and berms be extended in kind.

Councilman Art Rees wanted to know if there was a plan to save trees.

Mr. Ciliberto said all trees along Ferndale rear yards would be preserved, and a silk fence or snow fence would be put in place to protect those trees.

Councilman Art Rees asked about large trees that would have to be removed on the other side of the fence in the conservation area. He also asked for clarification of the type of fencing that would be used.

Mr. Ciliberto said they would replant every tree that had to be removed in the conservation area. Regarding fencing; there will be two (2) types of fencing, on the top level of the wall will be green fencing, and along the Ferndale property line will be chain link fencing.

Vice Chairman Campbell said that at the last meeting the fence was going to be removed.

Mr. Ciliberto revisited the site and found most of the fencing was in good condition but some fencing would need to be replaced. This would be done at time of construction, and be determined in concert with the Borough Engineer as to fence replacement in kind.

Mr. Piromalli asked if there were any other questions about the conservation area or fencing

Member Scott Fishbone asked if there was any guidance as to what would be planted back, the species trees

Mr. Ciliberto replied that we have a plan in place, but do not know if it is satisfactory to the Board, or if the Board is looking for more plantings in that area

Moving forward, Mr. Piromalli wanted to address questions about the cross – section of PSE&G gas main, and what progress has been made

Mr. Ciliberto stated at the time the last submission was made to the Borough we were unable to provide a cross – section of the gas main. We know the approximate horizontal location, we do not know the exact horizontal and vertical location of the main, and we did not want to provide any incorrect information. What I can tell you is that a 16 inch cast iron distribution main was constructed in 1941.

In the interim we have been in contact with PSE&G, and have sent them a set of plans and have received a review letter from them.

We have staked out the approximate location of the gas main and are in the process of scheduling test pits to be performed in the area of our proposed work around the gas main to verify its exact location. Once this is completed we plan on meeting with representatives of PSE&G to review their letter and determine a course of action. Any changes to the plans as a result will be made accordingly.

It is possible due to the age of the main, and the work proposed around it that the main will need to be relocated.

Mr. Piromalli asked the Board if there were any other questions that we did not address, before we move on to new testimony

Frank Zichelli, P.E., asked Mr. Ciliberto if a study was done on the Glenview culvert regarding capacity and impact from the new development.

Mr. Ciliberto said he had not done the study, but would do so.

Member Joseph Barba questioned Mr. Zichelli about a requirement of keeping the conservation easement clear of vegetation.

Mr. Zichelli stated that as long as there were no utilities under plantings, to the contrary we want to keep as many plantings as possible to keep the area natural.

Councilman Art Rees asked Mr. Zichelli about checking the Glenview culvert and the water flow going through the conservation easement.

Mr. Zichelli he has walked the area and will do further studies.

Member Sandra Nathans wanted clarification on fences, because the submission on September 18, 2015 it was stated that the chain link and barbwire fencing would be removed.

Mr. Piromalli stated that they revisited the site and decided to have fencing. He also said the plans were revised to show fencing.

Mr. Dusinberre stated since references were made to the revised plans that were submitted consisting of twenty- four (24) sheets, that they should be marked Exhibit A-7, revised through September 18, 2015.

Mr. Piromalli wanted to move forward with affirmative testimony.

Chairman Brower wanted to stop at this time to give the public the opportunity to ask questions about the answers to the Boards questions from the last hearing as presented in testimony. The Chairman addressed the public and asked the public if they had any questions on the testimony. Does anyone have questions so far.

Joanne Pine, 49 Four Seasons Drive, North Caldwell, New Jersey – is there any intention of an irrigation plan that was outlined in the conservation program.

Mr. Ciliberto stated that he did not believe there was any since there was not an irrigation system in place now.

Joanne Pine questioned that since new plantings were going to be planted, how would they be maintained.

Mr. Ciliberto stated that they will be watering and maintaining that conservation area for a period of time, and replace any plantings that dies.

Alfredo Paulo, 51 Ferndale Road, North Caldwell, New Jersey -.questioned the runoff from the rooftops will go into a trench or detention basin.

Mr. Ciliberto stated runoff would go into an underground infiltration trench.

Alfredo Paulo asked if a Percolation Test was done on the soil.

Mr. Ciliberto said the Percolation Test will be done at the time of construction to determine if it can be done, and if not, we will do whatever lots can be done.

Alfredo Paulo asked if the water will find its way down Ferndale Road the way the grade is now.

Mr. Ciliberto said an infiltration trench will take the surface water to the detention basin.

Alfredo Paulo wanted to know if the grading in the conservation area was changed in the southwest corner of Ferndale Road.

Mr. Ciliberto said nothing has been done with any grading, but it was never their intent to bring the grading back to its original state.

Alfredo Paulo questioned Exhibit A – 5 storm water runoff going back to the Glenview culvert, and by natural course, will go down Ferndale Road. Since Arbor Road was developed, during heavy rains the stream perc's and goes wild. Is there a plan in place.

Frank Zichelli said no plans are in place, but it will be studied.

Fred Braue, 64 Mountain Avenue, North Caldwell, New Jersey – Questioned the maintenance period in conservation area, and size of trees that would be planted to replace those taken down. He also wanted to know whether there were ground water studies done for the infiltration trench.

Mr. Ciliberto explained there would be little disturbance in the conservation area and the maintenance period would be for two (2) years. There would be very few trees taken down, and they would be replaced with sixteen (16) foot trees.

There have been no studies on ground water, they are based on DEP calculations.

The only reason the Verona basin on top of the mountain has water is because it has not been properly maintained. Our infiltration is below grade level, and will be spread over twenty (20) lots, in all different directions.

Bernard Albanese, 5 Four Seasons Drive, North Caldwell, New Jersey – wanted to know if the fence was on the southern border of Four Seasons Association property line and the conservation parcel, and if it was a common area.

Mr. Ciliberto stated the conservation area was not common area and was private property. Fence will be on the southern border of Four Seasons Association.

John Zurlo, 19 Glenview Road, North Caldwell, New Jersey – concerned about the brook and its discharge. He stated that he lives along the brook and it frequently overflows since Arbor Road was developed. Also, how long will water remain in your basins.

Mr. Ciliberto stated that the flow of water will be reduced by following DEP rules, and that Mr. Zichelli asked him about extra flow to the brook and to evaluate the brook and culvert. Our basins will hold water no more than three (3) days

Arnold Chaip, 97 Four Seasons Drive, North Caldwell, New Jersey – wanted to know if the HOA will be responsible for maintaining the fence and if there will be any testimony on detention basin 3 tonight.

Mr. Ciliberto said the common fence will be maintained by the HOA. Regarding Basin 3, there will not be testimony tonight the professionals did not have sufficient time to review Suburban Consulting plans, and expecting review letters from Hatch Mott MacDonald and Frank Zichelli.

Donald Foti, 18 Ferndale Road, North Caldwell, New Jersey – wanted correction made on his address, received a letter from Suburban Consulting as 19 Ferndale Road and his house number is 18 Ferndale Road.

Dan Gallagher, 36 Ferndale Road, North Caldwell, New Jersey - concerns about runoff from three (3) basins, wanted to know if it would be possible to have a live test to test where the water goes. Regarding fencing, are we going to be shown pictures of the fences. He said that the grading is much higher, at least ten (10) around where the jail was, and other areas as much as twenty (20) to t-five (25) feet higher.

Mr. Ciliberto stated he did not know, or even heard of such a water test ever being done, that was suggested by Mr. Gallagher. We were not planning on showing pictures of the fences, they will be done in concert with the Borough Engineer. As far as grading, there has been no regrading, what might appear to be that is from the demolition of the jail, and it is not our plans to raise the grade. Our plan is on existing topography.

James Dolen, 73 Four Seasons Drive, North Caldwell, New Jersey – wanted to know if the infiltration trench was going to be along the border of Four Seasons, and if it would have any effect on detention basin #2 and detention basin #3.

Mr. Ciliberto stated that the infiltration trench will be behind the new units, but that he did not know the location. Detention Basin #2 has no effect on Detention #3, but Detention # 3 will have a small increase from the north, but no more discharge then allowed for a hundred (100) year storm.

Bernard Doyle, 31 Glenview Road, North Caldwell, New Jersey – wanted to know if detention basin by his home can be called a dam.

Mr. Ciliberto said he had contacted the DEP, and Detention Basin #2 will probably be classified as a Class II dam. We will have to apply to the DEP for permits and follow their rules.

Darryl Haffner, 24 Four Seasons Drive, North Caldwell, New Jersey – wanted to know if perforated drainage behind homes are planned before Perc Test, what will done if not accepted.

Mr. Ciliberto stated if Perc Test is not acceptable, then we will not install perforated drainage, which is okay, since calculations were figured without it. Perforated drainage would only be a plus.

Frank Zichelli asked what if you do not reach discharge point. There should be a plan B.

Mr. Ciliberto - I do not have an answer for that at this time. If it does not work, then the existing condition is not true to DEP recharge calculations. We do not need DEP approval for land use.

Morton Bunis, 129 Four Seasons Drive, North Caldwell, New Jersey – you stated that the filtration plan is a plus, but if they did not work, you would not do anything else.

Mr. Ciliberto explained that filtration plan is above what the design requires.

Chairman Brower said looking at this schedule basic information would help the situation. When will the Perc Test be done.

Mr. Ciliberto stated it was to be done at the time of construction, but if concerned that plan might not work, then we should do it sooner than later, because if they do not work we will need a plan B.

Chairman Brower questioned whether doing Perc Testing, lot by lot if areas more amenable than others, would you consider grouping them.

Mr. Ciliberto said there is no way to group them, because they are in the middle of the lots. The Perc Testing in detention areas were fine, some areas were questionable, but would work if we took out some of the clay and filled in with sand, and that might work in other areas.

Chairman Brower asked if there were any other questions.

Dan Gallagher, 36 Ferndale Road, North Caldwell, New Jersey – with all the concerns about recharge, would it not make sense to save some of the larger trees to absorb the water and save problems with discharge.

Mr. Ciliberto stated that all the trees that could be saved were saved.

Chairman Brower asked if there were any other questions.

John Collito, 35 Ferndale Road, North Caldwell, New Jersey - questioned if the retention basins could be relocated. Wanted to know about gas line services, and sewer inspection.

Mr. Ciliberto said detention basins have to be located at the lowest point of the property in order to work. The gas line is a sixteen (16) in gas distribution main to towns. There are no plans for sanitary sewer inspection,

Ellen Gallagher, 36 Ferndale Road, North Caldwell, New Jersey – saw plans for trees lining streets, asked if there were going to be sidewalks, and if there was going to be grass between the streets and sidewalks, and if any consideration was

given to those areas for water swales so that there would be less stress on the detention system.

Mr. Ciliberto said there will be sidewalks along both sides of tree lined streets with and grass in between sidewalk and street. No thoughts of doing that type of drainage.

Fred Braue, 64 Mountain Avenue, North Caldwell, New Jersey - have you walked the whole property, is there a steep slope ordinance in North Caldwell, would like clarification if there is such an ordinance, since I have a stream in my back yard will there be a study done on storm water runoff from Ferndale and Glenview stream.

Mr. Ciliberto said he walked most of the property, and there is a steep slope ordinance, but it does not apply to this project. Not able to clarify ordinance. Regarding storm water runoff, the Borough Engineer has propose a study of that area.

Bernard Albanese, 5 Four Seasons Drive, North Caldwell, New Jersey – will there be blasting.

Mr. Ciliberto said he believes there will be some blasting on lots 31 to 39 and lots 59 to 62, but not positive.

Mr. Piromalli asked Mr. Ciliberto to address response letter to the professionals, and how the plans have been revised and to address the concerns of the Borough Engineer, Hatch Mott MacDonald Consultants, and Fire Chief.

Mr. Dusinberre asked Mr. Piromalli if he was referring to the letter dated September 18, 2015, that we should mark letter Exhibit A – 8 with the date of September 28, 2015. M. Piromalli agreed.

Mr. Ciliberto said he wanted to review and update the letter from the Borough Engineer. Most items have been addressed or complied with request.
8 under water system comments, hydrants should be a maximum of 1,000 feet apart, we received a letter from the Fire Chief regarding placement. The Borough Engineer advised us that the Fire Chief was reviewing plan to determine placement of hydrants. We received a letter from the Fire Chief that we will address later.
#10 permanent water stations requested by the Borough Engineer, it was decided three (3) permanent water stations will be provided and installed as directed.

Under storm water, comment # 2 regarding Basin 2 and 13 foot retaining wall near 31 Glenview Road, was revised twice. Current basin, Exhibit A – 9, dated September 28, 2015. Mr. Piromalli and Mr. Ciliberto to describe the basin for the record.

1. The original design had a 13 foot wall, 10 feet off the property line. Prior to the last planning board meeting we had replaced that wall with a berm that started 10 feet off the property line.

The proposed basin berm was replaced with a wall outside of the conservation easement that varies in height from 4 feet at the front of the existing residence to 6 feet at the rear of the existing residence to a maximum of about 13 feet at the back corner of the basin.

2. A row of 23 Norway Spruces will be planted in front of the basin wall to buffer and enhance the view from existing residences.
3. The top height of the basin was reduced about 1.5 feet from 593.5 to 592.0.
4. Eliminated the infiltration component of the basin and have replaced the bottom with a low flow channel and a positive slope to the outlet structure that will completely drain in 72 hours of a storm event.

Exhibit 10, dated September 28, 2015 shows a cross-section of what the berm and swale will look like, and where the berm is extended. The swale has the capacity for a hundred year storm.

Comment #5 there was confusion at the last meeting regarding 30 foot drainage easement between lots 40 and 41, the plans define where the gas and utility easements are, so that has been clarified.

Under other comments -- item #1, the extension of berm to Glenview Road, we did meet with the Borough Engineer and showed him the berms to the south as part of the construction of the detention basin, and that there was nothing more to do at that end of the property. We proposed additional landscaping along existing berm and extension to Glenview Road.

Item # 2, discrepancy between common property line between a Ferndale Road property and the proposed development. Mr. Ciliberto said they are trying to resolve the matter, since there is an overlap of 8 feet according to the Ferndale Road deed, we are checking our title.

Frank Zichelli suggested they check all the property lines along Ferndale Road that border new development.

Item # 12 The retaining wall on affordable housing site was removed in revised plans, the only thing we are proposing is some grading for the construction of Road D.

Review letter from Fire chief -- we received a marked up drawing of where hydrants should be located, plans were revised to meet most changes. Minor changes -- Fire Chief felt it was not necessary to have a hydrant at the end of cul-de-sac Road D. Borough Engineer and Mr. Ciliberto felt it was necessary.

Fire hydrant at intersection of Arbor Road and top of Hilltop Drive was not necessary because there is a hydrant near that intersection. Fire hydrant by culvert on Hilltop Drive moved to the end of existing pavement. Hydrant located between 18 and 19 Hilltop Drive in conflict with storm system, just shifted over one lot.

Items 1 through 6 were about street names, requested to know names when assigned.

Item 7 concern about the diameter of the cul-de-sac, meets requirement (40 foot diameter). Reviewed with Borough Engineer, and meet standards.

Items 1 through 3, dealing with Hatch Mott MacDonald report, were minor revisions that were addressed.

Item 4, Basin 2 up to NJDEP Dam Safety Standards. Designs of all 3 basins were emailed to NJDEP Dam Safety for dam classifications.

Basin 1 Class 4 dam no application to DEP required

Basin 2 Class 2 dam permit from Dam Safety necessary

Basin 3 no determination, more information was requested from NJDEP Dam Safety

Councilman Art Rees wanted the 4 classifications of the basins defined.

Mr. Ciliberto – Class 1 dam – high hazard loss, Class 2 dam – significant hazard loss
Class 3 dam – low hazard, Class 4– small dams, no DEP permit required.

Councilman Rees asked what the difference was between Class 2 and Class 3 basins.

Mr. Ciliberto – Height classifies basins. Basin 1 has a height of 7 feet, Basin 2 has a that is 10 or 11 feet in height, basin 3 has a height of 10 feet.

Councilman Rees suggested the basins be wider in order to keep the height lower.
Concerned about Insurance increase to residents living near basin 2.

Mr. Ciliberto – stated he could not push the basin down any lower, because it's only one (1) foot above ground water.

Frank Zichelli wanted to know about dam inspections.

Mr. Ciliberto said dam inspections are required, and he believes they are every 2 years.

Item 5 – the intent of the proposed design is to direct runoff generated from proposed area DB-3 towards Detention Basin 3 along the rear yards of the proposed dwellings. This refers to the swale and berm extended to Glenview Road which we have done, along with other requirements.

Item 6 – storm sewer systems was revised from a 25-year storm event to a 100 year event.

Item 7 - was a minor, and was addressed.

Item 8- infiltration at proposed Detention Basin 2 is not recommended considering it's close proximity to existing residential properties. This was removed from the plans.

Item 9- directing runoff, this was done by extending berm and swale to Glenview Road and eliminating all runoff to existing residential properties.

Mr. Ciliberto stated the he has summed up all the review letters.

Mr. Piromalli asked the Chairman if they could continue testimony on Retaining Walls

Chairman Brower asked the Board if they had any questions before proceeding with testimony, having none Chairman said to proceed.

Mr. Piromalli asked Mr, Ciliberto to explain the nature of the retaining walls, and fencing on top of the walls, and why it's necessary.

Mr. Ciliberto introduces Exhibit A-11, September 28, 2015 labeled Retaining Walls. There was some confusion at the last meeting, so I would like to describe the nature of the variances. As previously discussed the plan is seeking a variance from Section 107-32 that requires any fence placed on top of a retaining wall to be set back four (4) feet from the face of the retaining wall measured horizontally.

The variance relief is being requested for:

1. 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.
2. Adversely impact the ability to properly maintain those areas.
3. In addition, the 4 foot horizontal separation on building lots would limit the the usability of the private yard space and reduce the available area for homeowner use.

We met with the Borough Engineer regarding the retaining wall and fence ordinances, he told us that it is the zoning officer's interpretation that where the 4 foot horizontal separation between the wall and the fence is not provided the height of the fence is added to the height of the wall for the total wall height.

The Borough Engineer did acknowledge that the ordinance does not provide that the wall height is the aggregate of the wall and fence height. It is just the zoning officer's interpretation.

It is for this reason that the variance list dated September 18, 2015 includes the fence height of 4 feet added to the retaining wall height.

In light of this, there are retaining walls throughout the site that do not meet the height variance, but since a 4 foot fence is being placed on that wall a variance is now required based on the zoning officials interpretation.

The exhibit clearly shows all walls:

Blue - walls that do not require a variance, they are under 30 " in height

Red - walls that require a height variance due to the fence issue. There are 23

There are about 23 variances required due to this issue.

LOTS:

1-3,5,7,-11 under 5 feet, would require a rear yard height variance only because of fence issue,

4-5 5 to 6 feet, rear yard height variance due to Detention Basin 3,

7-11 under 5 feet, would require a rear yard height variance only because of fence issue,

16 approximately 6 feet, rear yard variance due to walk-out condition of lot 15,

20 5 to 8 feet, rear yard variance,
6 to 8 feet, side yard variance, perpendicular to the street,
6 to 7 feet, front yard variance, parallel to the street,
Due to the environmental sensitivity of the adjacent open space area (area cannot be disturbed wetlands, wetland buffers, Green Acres) it is also our property boundary.

Along Hilltop Drive sta. 20+50 to sta. 23+75 3 to 8 feet, parallel to the street due to environmental sensitivity of the adjacent open space area (area cannot be disturbed wetlands, wetland buffers)

21 – 23, 25 5 to 8 feet, rear yard variance due to the excessive slopes of existing topography and our property boundary,

24 5 feet, would require a rear yard height variance only because of fence issue,

25 6 to 7 feet, side yard variance, perpendicular to the street,
3 to 7 feet, front yard variance, parallel to the street, due to the environmental sensitivity of the adjacent open space area (area cannot be disturbed wetlands, wetland buffers) and our property boundary.

26 3 to 5 feet, rear yard variance, parallel to the street,
6 to 8 feet, side yard variance, perpendicular to the street,
5 to 8 feet, rear yard variance, due to the excessive slopes of existing

- topography and our boundary.
- 27-40 5 to 8 feet, rear yard variance due to the excessive slopes of existing topography to save as much of the wooded area as possible.
- 41 4 feet, would require a side yard height variance only because of fence issue,
11 feet, rear yard variance to keep minimum cover over the existing gas main,
- 42 11 feet, rear yard variance to keep minimum cover over the existing gas main and due to excessive slopes of existing topography to save as much of the wooded area as possible.
- 43-45 5-8 feet, rear yard variance due to excessive slopes of existing topography to save as much of the wooded area as possible.
- 45 6-8 feet, side yard variance due to the excessive slopes of existing topography,
- 48-50, 58-62 6-8 feet, rear yard variance due to excessive slopes of existing topography
- 15,51,52,53,54,55,57,60,61,62 require side yard variances due to fence issue,
- 58-59 require side yard variance due to the height and steepness of slopes.

Detention Basin 1 – The walls on the interior of the basin are 4 feet height, which meet both side and rear yard ordinance and require a height variance only because of fence issue.

There is a part of the wall, which is kind of parallel to the street, where the maximum wall height is 3 feet; this section of the wall will require a variance.

Detention Basin 2 – The walls on the interior of the basin (behind lots 16-20) are 0 to about 7 feet in height, while the walls on the exterior of the basin are 0 to 13 feet in height.

Since there is no building envelope and due to the nature of the right-of-way of Glenview Road, it is unclear where the front, side and rear yards are, so we were conservative in our variance request.

Chairman asked if there were any questions.

Member Scott Fishbone asked Mr. Ciliberto how he increased the storm detention from a 25 year storm to a hundred year storm. Mr. Ciliberto said it was not a problem because it only involved a few pipes that need to adjusted.

Member Joseph Barba questioned the runoff, Mr. Ciliberto explained how water would

flow into dam. The DEP classifies a dam as anything that has the ability to hold water
Basin 1 can hold two 2&1/2 feet of water, Basin 2 can hold 4 feet of water
Basin 3 can hold 6 & ½ feet of water.

Vice Chairman Campbell asked Mr. Ciliberto since the Verona infiltration system is not working, what can be done to make the systems in North Caldwell work. Mr. Ciliberto said all basins are supposed to be cleaned out of any debris, outlet structures should be inspected after a rain event over one (1) inch. If this maintenance is done there will not be a problem. Verona has not maintained their system.

Mr. Piromalli stated that the HOA of the new development would have full responsibility of maintaining the basins. They would have a manual explaining the required maintenance schedule. The Borough Engineer may inspect basins at any time and if not satisfied with the HOA maintenance, he can compel them to do so, or charge them and have it done by someone else.

Vice Chairman Campbell expressed concerns about insurance to the residential property owner, because if basins are not maintained, they may have problems.

Member Scott Fishbone questioned Mr. Ciliberto about the 200 year storm.

Mr. Ciliberto stated that there is an emergency plan for the 200 year storm. There is an emergency spillway behind Basin 2 which goes to a stream, and into the woods, away from residential property.

Member Scott Fishbone asked if there were going to be more revisions to the plans.

Mr. Ciliberto said he is expecting review letters Hatch Mott MacDonald, and the Borough Engineer with their new concerns and comments on our response. We also have to make a submission to the DEP Dam Safety, so there will be some changes to the plan, but nothing significantly.

Chairman Brower suggested that because we are going to have some revisions, and that it is approaching the hour of 11 p.m., we want to focus on what will be presented at our next meeting. We are going to start our meeting on October 19th with questions from the public regarding retaining walls and fences. The Chairman asked the applicant if they would have enough time to be prepared to go forward with engineering.

Mr. Ciliberto stated he received a review letter from Suburban Consulting, but is waiting for letters from Hatch Mott MacDonald, and the Borough Engineer. I do not want to do this in pieces, I would rather wait until I receive all the letters for review, before I continue with my presentation.

Chairman Brower asked Mr. Ramsey if they had a chance to look at the new drawings.

Mr. Ramsey stated that Four Seasons main concern is how their system interacts Four Seasons system.

Borough Engineer is waiting for second review from Hatch Mott MacDonald, and have them look at Suburbans plans.

Mr. Piromalli said we do plan to have Mr. Ciliberto come back to field the questions from public and the Board, but not to go forward with any revised plans until all studies are put together. If we do have time at the October 19th meeting, then maybe we can move into Architecture.

Chairman Brower agreed, if engineering is not ready, we will move onto Architecture.

Chairman asked if there were any more questions.

Mr. Dusinberre said we have two (2) documents that were referenced tonight, that should be marked: Fire Chief's letter dated August 18, 2015 as B-2, and Hatch Mott MacDonald letter dated September 1, 2015 as B-3.

Mr. Piromalli requested adjournment.

8. Chairman closed applicant portion of the meeting, and opened the meeting to the public for any discussion on anything other than this application. There were no questions.
9. Chairman asked for a motion to adjourn the evening meeting.

A motion to adjourn the evening meeting

Moved by:	Member Joseph Barba
Seconded by :	Member Scott Fishbone

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 st Alt.	X			
Member Sandra Nathans, 2 nd Alt.	X			

The meeting was adjourned at 10:55 p.m.

Respectfully submitted,



Mel Levine
Planning Board Secretary