

**PLANNING BOARD MINUTES
REGULAR MEETING
FEBRUARY 29, 2016**

1. The Planning Board Regular Meeting of February 29, 2016 was called to order by Chairman Joseph Brower.
2. Sunshine Law Statement that this meeting is being held in accordance with the requirements of Chapter 231, P.L. 1975
3. Pledge of Allegiance
4. Roll Call was taken by Planning Board Secretary, Mel 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 st Alt. Member Joseph Barba	X	
2 nd Alt. Member Sandra Nathans	X	
Borough Engineer Frank Zichelli	X	
Attorney John Dusinger	X	

Chairman Joseph Brower stated for the record that member Dr. Carl Spinelli received a disc, from secretary Mel Levine, of the January 4, 2016 Planning Board Meeting and listened to the entire recording.

Chairman Joseph Brower stated for the record that member Sandra Nathans received 2 discs, from secretary Mel Levine, and she has listened to the recordings for both the October 19, 2016 and the January 4, 2016 Planning Board Meetings.

Mayor Alessi was recused from the meeting.

5. Chairman Brower asked for a motion to approve the minutes from the January 4, 2016 Conference Meeting,

Moved by:	Vice Chairman James Campbell
Seconded by :	Member Scott Fishbone

MEMBER	YES	NO	ABSTAIN	ABSENT
Chairman Joseph Brower	X			
Vice Chairman 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. Joseph Barba	X			
2 nd Alt. Sandra Nathans				X

6. Chairman Brower introduced the applicant, K. Hovnanian at North Caldwell IV, LLC, represented by Mr. Gaccione.

Mr. Gaccione introduced Ms. Blanch Braillard, a landscape architect, to answer any questions or concerns the Board or residents may have relating to landscaping of the site.

Blanch Braillard was sworn in by Planning Board attorney John R. Dusinberre.

Mr. Gaccione asked Ms. Braillard the general intent of landscaping.

Ms. Braillard testified the intent of landscaping is to provide beauty, screening for privacy, shade, and meeting the objectives of the project. This project has been able to retain many existing trees. Ms. Braillard showed the Board and residents areas where the trees would be preserved. Trees to be planted are Red Maple, and Red Oak, which will be 14 feet in height, and are fast growing.

Mr. Gaccione asked Ms. Braillard to review the landscaping.

Ms. Braillard testified there would be screening in backyards of property that border existing lots with Red Bud, Colorado Spruce, Douglas Fur, and Red Oak trees. On property that butts up to Four Seasons property, there are 3 walls, plus a berm on top of it, will plant evergreen trees, Colorado Spruce, Norway Spruce, and Douglas Fur that will be 7 feet in height.

Mr. Gaccione asked Ms. Braillard to explain the landscaping that is adjacent to and within the conservation area.

Ms. Braillard testified that within the conservation area there would be evergreens planted at a height of 7 feet in height, there would also be screening along detention basin and rear lots.

Mr. Gaccione asked if there were any other areas you need to describe to the Board and residents.

Ms. Braillard added that there will also be flowering trees planted around the basin.

Member Rees asked Ms. Braillard if any consideration was taken to the plantings by the retaining walls, and the affect their root system would have on the walls.

Ms. Braillard testified that the plantings would be planted 6 feet from the walls to eliminate any disturbance to the walls from the root systems.

Chairman Brower opened the meeting up to the public for questions directed to the landscape architect.

Joanne Pine, 49 Four Seasons Drive, North Caldwell, NJ - will plantings be tolerant of lack of water, and will they grow without irrigation.

Ms. Braillard testified that the contractor that will be doing the planting will be responsible for watering them for the first year of establishment.

Joanne Pine, 49 Four Seasons Drive, North Caldwell, NJ asked the landscape architect if the plantings will continue to be hardy after the first year if we have a dry season and are not properly irrigated.

Ms. Braillard said they should definitely be watered if there is a prolonged drought.

Bernard Albanese, 5 Four Seasons Drive, North Caldwell, NJ – the plantings that are on the border of Four Seasons, is that a common area, or is that area something that four Seasons will have to maintain.

Ms. Braillard said that questioned would be better directed to Mr. Ciliberto.

Arnold Chait, 97 Four Seasons Drive, North Caldwell, NJ – Plantings along border of Four Seasons, will they be on the property of the new development.

Mr. Gaccione told Arnold Chait that his questions would be better directed to Mr. Ciliberto.

Ellen Gallagher, 36 Ferndale Road - areas between the streets, curbs, and sidewalks, has there been consideration for doing more plantings, other than street trees.

Ms. Brillard explained that there are swales throughout the property between the curb and sidewalk.

Morton Bunis, 129 Four Seasons Drive North Caldwell, NJ – wanted to know about a series of walls to be constructed, and if there are going to be plantings between walls.

Ms. Brillard testified that the plantings will be at the top of the wall, not inbetween the walls.

John Zurlo, 19 Glenview Road – asked how many trees were going to be preserved in the project on individual lots and their diameter.

Ms. Brillard testified to her knowledge there has not been an official tree survey, and therefore cannot answer the question.

Dan Gallagher, 36 Ferndale Road - questioned the height of a wall being 26 feet in height.

Ms. Brillard - the Four Seasons building closest to that wall the grade rises from an elevation of 514 to 540 at the top of the berm, and trees will be planted on the berm. Plantings would go on the northeast side of the walls.

Dan Gallagher wanted to know if there was some reason for not including trees or other types of plantings around the detention basin.

Ms. Brillard testified that there was not anything that would not allow plantings, but would refer that question to the engineer.

Dan Gallagher asked if a tree survey had been done around detention basin 2, since 6 trees would have to be cut down.

Ms. Brillard testified she was not aware of tree survey.

Kay McCormack, 16 Four Seasons Drive, North Caldwell, NJ - wanted to know who would oversee the planting project.

Ms. Brillard testified that it would be a decision to be made by the developer.

John Zurlo, 19 Glenview Road, stated that K. Hovnanian had sought a waiver on a tree survey.

Mr. Gaccione Stated that a waiver for a tree survey was requested for trees that were 6 to 10 inches in diameter.

Chairman Brower closed that portion of the public meeting dealing with the landscape architect.

Chairman Brower opened the second part of the meeting to give the public an opportunity to ask questions on testimony that was given by site engineer, Mr. Ciliberto, at our last meeting, on February 8, 2016.

Chairman Brower said there are some questions from the Board for Mr. Ciliberto, before questions will be taken from the public.

Member Rees asked if there were any wetlands behind basin 2.

Frank Zichelli there were not wetlands behind basin 2.

Member Rees asked Mr. Ciliberto to explain what an analysis point is to the public, and what would be required by the DEP.

Mr. Ciliberto – testified that there are 2 basins, basin 1 and basin 2. Basin 1, has an analysis point at the culvert, and basin 2 which discharges to the Glenview culvert is analysis point 2. Analysis 3 is land adjacent to lots on Glenview. There was also an analysis point from and an analysis point where all these flows come together in the back of Ferndale and an analysis point for the flow going into Four Seasons. Analysis point 1 was the runoff from the new development, including pre and post development, which must meet DEP regulations (50% for 2 year storm, 75% of a 10 year storm, and 80% of a 100 year storm). Analysis point 2 by Glenview showed the runoff coming from the site is less than 3. Analysis point 3 is the area in back of Ferndale which shows they are picking up everything from the top of the berm into the site. Analysis point 4 shows detention basin 3 discharge. Analysis point 5 studies the stream on Ferndale and that was done following DEP standards. Analysis point 6 deals with the flow going into the Four Seasons detention basin.

Chairman Brower opened up the meeting to the public for questions.

Bernard Albanese 5 Four Seasons Drive, North Caldwell, NJ - plantings that are going to be in the buffer, will that be on Four Seasons property.

Mr. Ciliberto testified that the plantings will be on parcel 3, in the conservation area, not on the Four Seasons property. The HOA in the new development will be responsible for maintenance, and homeowners will be restricted from using the conservation area.

Mr. Dusinger stated there will be a condition that will outline the responsibilities of the

HOA, will deal with some of the walls, plantings in the conservation easement, reporting on any dam, and storm water management.

Member Scott Fishbone asked Mr. Dusinberre to explain what would be bonded.

Mr. Dusinberre North Caldwell has historically bonded all municipal improvements, all the roads, a 2 year maintenance bond, and anything on the list of itemized improvements to be done by the applicant will be subject to the bond. This has to be accepted by the Mayor and Council.

Arnold Chait 97 Four Seasons Drive, North Caldwell, NJ – Retention basin 3 services about 2.8 acres, Mr. Ciliberto said there were some changes made , but not in that area.

Mr. Ciliberto testified that the last time he was present, there were some changes to the detention basin, but there was no change to the runoff. Discharge from that basin has been controlled by what was allowed by the Four Seasons Stormwater Management Report.

Arnold Chait 97 Four Seasons Drive, North Caldwell, NJ – wanted to know the changes that were made to basin 3.

Mr. Ciliberto testified that they made the footprint a little bigger, and lowered the top of the basin, so it would not be classified as a dam, and will not have any effect on the properties.

Darryl Haffner – 24 Four Seasons Drive, North Caldwell, NJ – asked for clarification on the dam being lowered and the swale being made larger.

Mr. Ciliberto testified they never touched the swale.

Michael Wallock 103 Four Seasons Drive, North Caldwell, NJ – concerned about analysis 5, where all that water is flowing down to a deluge and that water could back up during a 100 year storm.

Harry Sheedy 14 Glenview Road – stated that in 1999 the stream overflowed because the Glenview -pipe could not handle the water flow, and wanted to know if the applicant would be increasing the size of the pipe.

Mr. Ciliberto testified that the pipe goes beyond the scope of this project.

Kay McCormack 16 Four Seasons Drive, North Caldwell, NJ - thought that tonight was supposed to address issues of the North Caldwell residents, and the Four Seasons Community regarding insufficient drainage systems, and how these problems will be

solved.

Mr. Gaccione testified that clearly that was not going to be discussed tonight, all the revised plans by Mr. Ciliberto were accepted and approved by the town engineer, town consulting engineer, and the drainage engineer for the Four Seasons Association. Tonight is the night that gives you the opportunity to ask additional questions of Mr. Ciliberto, or make a direct statement.

Carmela Cannistraci 17 Glenview Road – concerned about the stream and culvert with regards to overflow. The stream has overflowed 2 or 3 times during hurricane conditions. Since development in that area, the stream overflows 2 or 3 times a year.

Mr. Ciliberto based his study on pre-construction, and post-construction. They have reduced the flow from pre-construction, and is better at post-construction.

Carmela Cannistraci 17 Glenview – does this study take into consideration the increased flooding in this area.

Mr. Ciliberto testified that he uses data provided by the state, and has met all reductions of water flow.

Mr. Gaccione stated that these questions are going far beyond the scope of this project. His applicant is meeting all the requirements for their site, and should not be discussing county property and what the county could do.

Chairman Brower stated that all improvements must be done before the main project gets started, and will be checked as they progress. There have been 4 engineers who have studied and added input to these plans, and have accepted and approved them.

Frank Zichelli required the applicant to present a Watershed Study of the site, to insure all concerns regarding water flow were addressed.

Bernard Doyle 31 Glenview Road – concerned about water flow, and who would be responsible for floods.

Mr. Gaccione stated his applicant will comply with all the regulations and requirements and will do whatever they can to reduce the water flow, but they cannot solve problems down stream that they did not create.

Donald Theobald 54 Ferndale Road – feels applicant is making water flow conditions worse because analysis was done pre-construction.

Mr. Ciliberto stated that they have reduced the runoff by 505, pre-construction, will be a reduction in the culvert.

Daniel London 108 Mountain Avenue –was not satisfied with answers given to residents questions. In the unlikely event that something does not go according to your plan, and 1 or 2 properties are jeopardized because of water flow, what recourse do those homeowners have.

Mr. Gaccione testified that Mr. London's questions do not pertain to the engineer.

Mr. Dusinberre stated that the first thing that would have to be done is an analysis of what went wrong, was it a design defect, was it a construction defect, what caused the outcome, and then you would have to seek remedy.

Mr. Dusinberre said he could not tell what the cause would be, could be an act of God, or a 500 year storm, it cannot be predicted.

Chairman Brower stated that questions must be directed to the testimony, and not hypothetical questions.

Dan Gallagher 36 Ferndale Road – basin 1 has a single outlet into the current stream, has a study been done to see how that may affect the flow into the wetlands.

Mr. Ciliberto said that study will be done by Soil Erosion staff.

Harvey Moskowitz 113 Four Seasons Drive - do the revised plans submitted to the Board, include the recommendations from both engineering consultants, Four Seasons and the Borough of North Caldwell.

Mr. Ciliberto testified that there were 3 new letters with some minor changes, and all consultants are working together.

Dan Gallagher 36 Ferndale Road – Basin 2 now has a proposed concrete wall that runs in the conservation area, and that conservation area is not supposed to be touched, and the wall is being built to direct the water away from the homes.

Mr. Ciliberto testified the wall was proposed in the conservation area as a precaution in the event basin 2 should overflow.

Dan Gallagher 36 Ferndale Road – there was a change to increase the size of the basin. He submitted pictures of basin 3 and berm along Ferndale.

Mr. Dusinberre asked Mr. Gallagher if he took those pictures, he said he did, Mr. Dusinberre said we can mark them 0-1 date 2/29/2016 consisting of 2 pages with 4 photographs, and lettering them A,B,C, and D. Mr. Dusinberre asked Mr. Gallagher to give a set of these photographs to Mr. Gaccione.

Dan Gallagher 36 Ferndale Road, Basin 3 has standing water.

Mr. Ciliberto testified that this is an existing basin that was not designed by him, and designed as a temporary basin for Four Seasons, about 3 years ago. They are modifying that basin.

Chairman Brower said this basin is going to be modified, and this is a nonissue.

Donald Foti 18 Ferndale Road – if the berm and swale fail will the existing pipe to the the brook be able to handle a 100 year storm.

Mr. Ciliberto testified there is more than enough capacity to handle a 100 year storm in the pipe or in the swale.

Donald Foti 18 Ferndale Road – concerned about how the water from ground wells is dispersed and if it causes a threat.

Mr. Ciliberto testified there are no changes that will change the amount of water flow, swale behind houses will flow into detention basin 3

Morton Bunis 129 Four Seasons Drive, North Caldwell, NJ – recharge basins going to be behind all the lots.

Mr. Ciliberto testified that there are 28 in question and only 20 need recharge basins, plan is to spread basins throughout the area.

John Zurlo 19 Glenview Road – asked about the cul-de-sac at the north end of the development, and if there are plans for a recharge basin.

Mr. Ciliberto testified that recharge will go into the basin and not the brook.

Mr. Dusinberre asked if anyone from the public is going to produce a professional expert at the next meeting

Carmela Cannistraci 17 Glenview Road – stated that she would bring an expert to the next meeting.

Martin Cabalar, Esq. representing Mr. Ramsey, had no questions

7. Chairman Brower closed this portion of the meeting, and opened the meeting for any questions, other than on this application. There were no questions.

8. A motion to adjourn the meeting for the evening

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

NAME	YES	NO	ABSTAIN	ABSENT
Chairman Joseph Brower	X			
Vice Chairman 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. Joseph Barba	X			
2 nd Alt. Sandra Nathans	X			

Respectfully submitted,



Mel Levine
Planning Board Secretary

ML

