

PLANNING BOARD MINUTES
CONFERENCE MEETING
FEBRUARY 8, 2016

1. The Planning Board Conference Meeting of February 8, 2016 was called to order by Chairman Joseph Brower..
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 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 Dusinberre	X	

Mayor Joseph Alessi was recused from the meeting.

5. Chairman Brower stated that the Board has some housekeeping issues that have to be marked as evidence and some additional items that will be discussed that should be marked as evidence, before the applicant K. Hovnanian at North Caldwell IV, LLC continues with their presentation.

Mr. Dusinberre, Esq. told Mr. Gaccione, Esq. that there were a number of items presented to the Board that needed to be marked as evidence:

Engineering letter dated October 15, 2015 from Frank Zichelli, P.E. – B 4

Engineering review letter dated February 8, 2016, from Frank Zichelli, P.E. -B5

Hatch Mott MacDonald report dated November 3, 2015 -B6

Hatch Mott MacDonald report dated February 4, 2016 -B7

North Caldwell Fire Report dated August 8, 2015 B - 8
North Caldwell Fire Department Hydrant Plan dated August 17, 2015 B - 9

Evidence from the applicant:

Report from Najarian Associates dated January 25, 2016 A - 25
Revised engineering plans by Najarian Associates from November 26, 2014 through January 22, 2016. A - 26
Final Platt Major Subdivision prepared by Najarian Associates March 20, 2015, revised through January 22, 2016. A - 27
Conservation easement section 1 for Hilltop at Essex County dated January 22, 2016. A - 28
Revised list of variances requested by the applicant dated January 22, 2016. A - 29
Watershed study prepared by Najarian Associates dated January 20, 2016. A - 30
Soil Logs and Permeability Test Results prepared by Melick-Tully and Associates, P.C. dated January 21, 2016. A - 31
Storm water Management Report Prepared by Najarian Associates dated November 2014, and revised through January 2016. A - 32

EXHIBIT LIST – Four Seasons Objectors

Suburban Consulting Engineer Report dated September 23, 2015. FS – 1
Suburban Consulting Engineer Report dated February 5, 2016. FS – 2

Mr. Dusinberre, Esq. stated that this concludes his review of documents that were not submitted for the record.

Chairman Brower stated that he wanted the applicant to explain to the public where changes were made, and that the public understood the changes.

Mr. Gaccione stated that his client was responsive to the reports made by the engineers, and made the changes they requested. The original statements were already submitted to the Board, and Mr. Caliberto, P.E. will start his testimony explaining statements. However, there will be additional statements that were received from the engineers, and they will be explained.

Mr. Gaccione asked Mr. Caliberto if he had an occasion to submit a report to the Board with regard to engineer comments that he received subsequent to a December 15, 2015

meeting which all the engineers attended.

Mr. Caliberto said he did review the engineering comments, and submitted his report to the Board.

Mr. Gaccione asked Mr. Caliberto to review that report and highlight the changes that were made to the plan.

Mr. Caliberto started with Frank Zichelli's memo dated February 8, 2016, regarding the berm behind the Ferndale properties in the conservation easement, and conditions of the ordinances is that the berm be extended in kind. The question came up does that include the berm, wall and the fence? Mr. Caliberto met with Frank Zichelli to see where the berm, wall and fence end, to decide what continuity there was between the three. Currently there exists a berm behind these properties and ends by proposed lots 11 and 12. That berm extends from detention basin 3 through to proposed lots 11 and 12.

Mr. Caliberto took pictures of the site on January 14, 2016, and were marked Exhibit A – 33. The top photo shows where the wall ends and the berm continues on to the north, this photo was taken behind lot 9, inside the berm to the wall and fence. The second photo Mr. Caliberto is standing on the wall taking photo facing north, so you can see how the berm continues on and the 8 foot chain link fence. Extending the wall really doesn't do anything, because to remove the wall a lot of the natural vegetation would have to be removed. Frank Zichelli agreed the solution is to extend the berm as far as they can towards Ferndale Road.

Mr. Caliberto explained item 1 regarding the berm towards the other end by basin 3. Basin 3 which has already been constructed, but they are going to reshape it during construction, and add to, and increase some of the berm.

Mr. Caliberto addressed item number 2, regarding the existing gas main. He had 2 new exhibits A- 34 Existing Gas Main, this provides a profile cross section to be submitted PSE&G, and their concerns. Plans were revised to meet PSE&G concerns. Mr. Caliberto brought up some of the variances requested for the walls. There were 2 walls that ran parallel perpendicular to Hilltop Drive, adjacent to lot 40 and the back of lot 41, that started at 0 and went to 11 feet. PSE&G did not like the steepness, angle of repose, sanitary line to close to gas main burner. K. Hovnanian will have to replace about 250 feet of gas line to enable them to lower and raise the line so there will not be more than 3 feet of fill above the line.

Mr. Caliberto's second new exhibit A – 35 Gas Line Relocation, changes that were made to plan regarding PSE&G recommendations. What changed was the elimination of the wall that was adjacent to lot 40 and lot 41, and extended wall in back of units 41 through 45. A smaller 4 foot wall has to be built on unit 15 to protect gas line, and a variance is needed because of fence that is require to be installed on top of wall. Eliminated sanitary sewer by going around unit 16. This plan has been sent back to PSE&G for their review.

Mr. Caliberto stated item 3 was an analysis of the stream, and Glenview Road culvert, requested by Frank Zichelli. Mr. Caliberto did a watershed study that was performed on the upstream culvert to see what flow was going to that culvert and the condition of that culvert and the condition of the culvert. The study was done by comparing the predevelopment condition before any development Hilltop development. The post-development study was done on parcel 2, parcel 3 Verona, and parcel 3 that is exhibited before you. This study shows the flow to the Glenview Road culvert has been reduced for all storms.

Mr. Caliberto addressed item 4 dealing with an overlap issue on Block 101, Lot 13. the survey showed that lot is 188 feet in depth, not 180 feet in depth. The record reflects that lot is entitled to that 8 foot strip, and that is the only lot entitled to that 8 foot strip. This 8 foot strip is in the conservation easement so there are no plan changes needed, or variances.

Mr. Caliberto explained that item 5 deals with stormwater, and A and B would be explained when he goes through Four Seasons concerns with Hatch Mott MacDonald. Item number C is regarding the infiltration, Mr. Caliberto said he has pointed out in past testimony that detention basin 2 originally was an infiltration basin, and there was a lot of concern from the neighbors about putting all that infiltration in one area would cause problems with ground water, water in their basements, and sump pumps. In September they took that detention basin out and spread infiltration out over 20 lots. There were concerns about the ability of those areas to recharge, in September they went out and did 8 test pits, also did 3 other test pits in the backyard of the units. Out of 27 units there is a potential for about 23 lots that will accept filtration, and have had positive results. Additional testing will be done during construction. Item number D on this report talks about dam determinations, after discussions with NJDEP Dam Safety. Detention Basin 1 will be a Class Four (4) dam, Detention Basin 2 will be a Class Two (2) dam unless they can show that if that dam were to breach and get that flow away from the Adjacent properties and into the back and into the stream before it effects them. The one (1) change they did make on the plans was extension Basin 2 Wall, Exhibit A – 36 (new exhibit) DEP suggested that if they could keep flow away from adjacent properties, they would consider it a Class Four (4) dam. So they proposed a small wall about 2 1/2 feet in height and runs from the north and juts out and will eliminate any breach. Mr. Caliberto said there are about 6 trees that would have to come down as a result of this wall. If this wall is approved, they will be able to reduce Basin 2 classification from a Class 2 dam to a Class 4 dam.

Mr. Caliberto stated that detention Basin 3 was revised to eliminate the dam classification. When they met with the DEP, they told us what the slope should be, and their elevation, and if the base could be kept 5 feet below that elevation, then the dam classification will be eliminated. The dam classification is any dam that is over 5 feet in height. Classification of 1,2,3 or 4 depends on the height of the dam, and what is downstream from the dam. If there is high potential of risk from the dam, it is a Class 1 dam, if there is significant potential of risk damage from the dam, it is a Class 2 dam, if it is a low potential for damage it is a Class 3 dam, and Class 4 are small dams.

Mr. Caliberto stated that items 6,7, and 8 were all minor comments that have been revised on the plans.

Mr. Caliberto talked about the Hatch Mott MacDonald report: the first 2 items are just comments about water quantity and quality on the work site. Item number 3 refers to their connection points to Four Seasons at North Caldwell.

Mr. Dusinger asked Mr. Caliberto which Hatch Mott MacDonald report he was referencing.

Mr. Caliberto referenced the original Hatch Mott MacDonald report.

Mr. Caliberto said it was always anticipated that the flows from a certain part of this development would flow through the drainage system of Four Seasons and into their detention basin. The connection point at Hilltop Drive and Four Seasons Drive, inlet 17, shows the flow going down Four Seasons Drive to where the recreation facility is located, and down to the detention basin. What was found after changes were made to the plan was that the system did not have the capacity for the 100 year storm. They came up with a plan to bypass that system with a separate drainage system, Exhibit A – 37, called Four Seasons Storm Bypass. The bypass flow takes the flow down in a separate pipe around building 1 with a separate discharge point into existing detention basin, and meets the standards for a 100 year storm. A permit is needed from the DEP. Item number 4, Hatch Mott MacDonald was looking to have some inlets throughout the community, 3 or 4 inlets were converted from single to double inlets. Item number 5, dealt with the type of walls that would be constructed on Basins 1, 2, and 2. Item 6 talked about classification of dams 1 and 3. Item 7 talks about classification for detention basin 2. Item number 8, detention basin 3 was redesigned not to be classified as a dam, in doing so the spillway was lowered and has a little more flow going out the outlet, but still met the regulations, and in emergency situations there is a little more flow coming over the spillway. Nothing was really changed on the plans except a slight modification of the basin..Item number 9 refers to a maintenance manual which will be submitted once the sewer system has been completely designed and approved. Item number 10 talks about locations for discharge trenches. Item number 11 states that only detention basin 1 is only ground water recharge.

Mr. Caliberto said the next letter is from Suburban Consulting Engineers, dated September 23, 2015. Suburban had a comment on detention basin 3, they wanted a basin full design that included the drainage system and swale. The drainage system capacity, after calculations were made, was 19.22 CFS under water pressure flow, and an additional 14 CFS with the swale. Item number 2 refers to basin bypass which was the same as Hatch Mott MacDonald.

Mr. Gaccione asked Mr. Caliberto if he received a follow up from Hatch Mott MacDonald regarding the report you just reviewed.

Mr. Caliberto said he received a report from Hatch Mott MacDonald on February 4, 2016

with about 8 comments, only 3 comments required any type of change or design, and those are comments 3, 4, and 6. Comment 3, Four Seasons Bypass, they are proposing a 36 inch pipe, Hatch Mott MacDonald would like better velocity. Item number 4 talks about inlet 17 on Hilltop Drive, and picks up a lot of drainage area, if during construction a double inlet will be built if necessary. A lot of that flow will be picked up by the new development drainage system before it gets discharged into inlet 17. Item number 6, keystone detention wall along basin 1.

Mr. Gaccione asked Mr. Caliberto if he also received additional comments from Suburban Consulting Engineers. Mr. Caliberto said he received their letter of February 5, 2016 with 3 comments and a couple of conditions they want added to the resolution. The conditions were minor in nature, although we showed them the calculations for the bypass system was 19.22 CFS, they are still looking to have the capacity increased in the swale. Item number 2 deals with the pipes, information will be provided to them. Item number 3 talks about improvements to existing structure number 27. Drainage pipe will be plugged and no drainage will flow through that pipe when the bypass is constructed. Mr. Caliberto will work with Suburban to get these issues finalized.

Mr. Gaccione asked Mr. Caliberto if he received any communication from Frank Zichelli regarding the Glenview Culvert. Mr. Caliberto said he received an email from Frank Zichelli asking what impact the Verona basin would have if it was not functioning properly? Verona is a detention basin which is supposed to be recharging water into the ground, but it is not functioning properly. Mr. Caliberto did a study of the basin, and said even if there was some flow of water from that basin, it would not have an effect on the area.

Mr. Gaccione asked Mr. Caliberto if he received a letter today from Frank Zichelli. Mr. Caliberto said that he did receive a letter from Frank Zichelli today.

Mr. Gaccione asked Mr. Caliberto to review Frank Zichelli's comments in his letter. Item number 1 refers to overlap lot, which is Block 101, Lot 13 that has a depth of 188 feet, not 180 feet. Item number 2 how we are going to treat remnants of a wall and fence behind 32 Ferndale Road. Mr. Caliberto spoke with K. Hovnanian regarding this issue and they agreed to replace the old fencing with new fencing. The wall will be checked to see if it is structurally sound, and shrubs will be planted in front of the wall. Item number 3 deals with stormwater improvements on the Four Seasons site, require approval from Four Seasons Association, they have submitted a maintenance agreement to the Four Seasons Community which will address improvements to their property. Item number 4 already discussed, regarding basin number 2. Item number 5 all requests and variances be voted on.

Mr. Gaccione had no further questions.

Chairman Brower asked for some form of acknowledgement from the Engineers that they are in agreement with the testimony they hear tonight.

Mr. Dusinberre swore in Kevin Nollstadt, Consulting Engineer for Hatch Mott MacDonald.

Mr. Dusinberre swore in Erin Abline, Suburban Consulting Engineers.

Hatch Mott MacDonald and Suburban Consulting Engineers were in agreement with the testimony presented.

Chairman Brower asked if the Board had any questions.

Member Joseph Barba questioned replacing pipeline. Mr. Caliberto explained a section of the line will be lower and in another section line will be raised a little, so there will be 3 feet of cover over the pipe, and this project will be designed by PSE&G. New pipe will be installed by PSE&G contractor.

Member Art Rees asked Mr. Caliberto to explain to the Board and public, basin 2 and how outlets work.

Mr. Caliberto stated there is one inlet into this detention basin between lots 18 and 19, and takes the flow and discharges into a CVS unit, water quality device that flushes the water before it gets into the detention basin. There is a low flow orfus which is the first control on the basin and water quality device as water comes in, it is released at a very slow pace, after holding water for a period of time. As the water rises there is another orfus device, or energy escape and water will dissipate and find it's way to the stream. As the water continues to rise to a 25, 50, and 100 year storm, at a point 590.69, that's where the emergency spillway is placed, and will hold water from 100 year storm. Detention Basin begins to release it's flow after the storm, and basin should be empty after a 72 hour period.

Member Sandra Nathans asked what would be the maintenance plan for this type of a basin.

Mr. Caliberto stated that the CVS device has to be inspected, must be cleaned and check the sediment level, vacuum water and debris, inspect lines to make sure there is no blockage, maintain the grass, make sure grass gets cut, leaves removed from basin, walls inspected, emergency access into the basin, and total perimeter around the basin. The HOA would be responsible for the maintenance of all the basins, swales and inlets.

Frank Zichelli asked Mr. Caliberto that all inspection reports be sent to the Borough.

Chairman Brower wanted to go over lot 13, which is 188 feet in depth, whether the additional 8 feet is in the conservation area.

Mr. Gaccione stated that the owner of lot 13 is aware of the depth of his property, as his survey shows the depth as 188 feet.

Mr. Caliberto said the 8 feet is not in the conservation area, and the additional 8 feet would come off of the new development property, not the homeowner of lot 13. This will be noticed in the revised plans.

Chairman Brower asked Mr. Caliberto to make up the soil and vegetation by detention basin 2 discharge area, and how much flow would be released without new development.

Mr. Caliberto said there is not much flow and they would have to get approval from SCS, as to outlet ability and that the area is stable.

Mr. Dusinger told Mr. Caliberto that one of his tasks is to review HOA documents and make sure they are consistent with all the testimony that has been placed on the record. So as part of that he has to make sure that he clearly understands what responsibilities the Association will or will not have. One area he is not clear on is the infiltration construction, are they individual as a per lot basis?

Mr. Caliberto stated they are individual as a per lot basis.

Mr. Caniglia stated that they have not decided at this time whether or not it will be an HOA responsibility.

Mr. Dusinger asked if the maintenance of the stormwater system could be explained, and that it would be important to the HOA, so that it does not deteriorate. Are each of these systems considered to be on lot.

Mr. Caliberto said these systems are drywells.

Mr. Dusinger wanted to know what would be required to maintain these systems.

Mr. Caliberto said these systems are only taking rooftop runoff. There will be screens over these systems to keep leaves out.

Mr. Dusinger asked if there would be any type of swale system running from lot to another.

Mr. Caliberto said there would not be a swale system running from one lot to another. Mr. Caliberto said there would not be a swale system running from one lot to another.

Mr. Gaccione said if the Board wanted drywells included in the HOA, his client would comply.

Mr. Dusinger questioned the maintenance of the walls on the easterly rear yards, which is hundreds of feet long, and goes lot to lot, and some parts of the wall are 12 feet in height.

How does the applicant plan to address the failure of any part of that wall, will it be addressed by the owner of the lot, or will it be addressed by the Association, and has an interest in maintaining the integrity of all the walls throughout the community.

Mr. Caniglia testified that the wall system should be maintained by the HOA , but there are other small walls around the individual homes that should be maintained by the homeowner.

Mr. Dusinberre made it clear that everything presented depends on the Boards review and approval, and to make sure that 5 acres be excluded from any restricted covenants by the HOA.

Mr. Caliberto described the landscaping for the development.

The Chairman asked the Board if they had any questions for the professionals that were present .There were no questions.

The Chairman asked the public if they had specific questions about what was presented by the professionals.

Mr. Ramsey asked Ellen Abline, Project Manager for Suburban to explain item number 1 of Mr. Caliberto's report, regarding excess water coming from detention 3. Please explain what type of improvements Suburban wanted made.

Ms. Ellen Abline testified that the swale was built on a temporary basis and is not well defined, they are asking for a consistant grade and a more defined cross section. and easy to accomplish.

Mr. Caliberto said he would give Suburban the details they requested on item 2.

Mr. Ramsey commented on item 3, regarding plugging the connection at structure number 27, and wanted to know if it was acceptable to Ms. Abline.

Ms. Albine said it was acceptable.

Mr. Ramsey stated that Mr. Caliberto did not cover the 5 possible conditions that were proposed by Suburban, and asked Ms. Albine to explain to the Board why these conditions were proposed.

Ms. Albine testified that most of the conditions were standard and would probably have been included; 1. That the Township Engineer accept all stormwater infra structure on the Four Seasons site prior to the start of any construction that are contributory to their site. 2 To make sure the maintenance manual that you approve includes detention basin 3, the swale leading from the basin, and the bypass system. 3. The water that comes down Hilltop Drive, there is no gutterline flow across the Four Seasons, so the water will flow into the Four Seasons site. Suburban is asking that a gutterline be constructed since it was

not done during construction of the Four Seasons. 4. Future development, Affordable Housing, Suburban wants to be shown those calculations when that is proposed for development. 5. To make sure as built conditions reflect what was designed for the Four Seasons.

Mr. Dusinger asked Mr. Ramsey for consent from the Four Seasons Association to allow the applicant to come on site and do these improvements. Can you present to the Board that the consent is readily available from the Association.

Mr. Ramsey confirmed that consent is readily available, but he commented on cost shared agreement of these stormwater facilities into the future. They are now discussing this agreement with their client, and will get back to Mr. Gaccione with their comments with respect to the portionality of maintenance between the parties for these improvements and use of the Four Seasons system, then they will consent.

Mr. Dusinger questioned Mr. Ramsey about moving forward, do you mean the annual expense, if so, then that would have to involve the HOA which is contemplated to be formed.

Mr. Ramsey referred to the original agreement that was presented to them, that has been enhanced and edits that his client has not had the opportunity to review and want to be covered.

Chairman Brower opened up the meeting to the public to ask questions of any witness.

Mr. Gaccione had 2 comments, regarding requests. The first comment had to do with the milling requested, and what Mr. Ramsey's client is concerned about.

Mr. Caliberto said that it refers to a design that was done as per Four Seasons improvement plans and has no bearing on what is proposed. However, K. Hovnanian would correct situation when they do paving.

Mr. Gaccione referred to Mr. Caliberto regarding item 1, the applicant would like to be able to do some clearing and grubbing of the area without any major earth moving before all stormwater improvements are in place.

Mr. Dusinger asked Frank Zichelli if this could possibly have an adverse effect on Four Seasons, and could he make sure that doesn't happen.

Mr. Zichelli answered yes.

Mr. Dusinger stated to Mr. Ramsey that these proposed conditions in the letter from Suburban, especially item 4, does not mean that the Board is going to adopt them. With regard to proposed Affordable Housing, you will be noticed because you are within 200 feet, there is nothing that says you have the right to review and approve project. The remainder parcel is subject to Affordable Housing Development at some future date

is not subject matter for stormwater management for this site.

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

Mr. Dusinger stated for the record that Mr. Nollstadt is taking the stand, and is prepared to give testimony on behalf of Hatch Mott Macdonald, regarding his review of the storm water management report. Mr. Dusinger asked Mr. Nollstadt if he has read all the exchanges of correspondence over the last 6 months between the engineers, and familiar with the most recent reports, and the testimony tonight from Mr. Caliberto.

Mr. Nollstadt said yes.

Mr. Dusinger asked Mr. Nollstadt if he had any additional comments after tonight testimony.

Mr. Nollstadt stated that he stands behind his review and does not have any additional comments.

6. Chairman Brower asked if there were any questions from the public, there were none.

Chairman Brower stated that 2 members of the Board, who were absent, still have to listen to the tapes.

Chairman Brower announced the next Planning Board Meeting would be March 28th, at 8:00 p.m.

Member Art Rees stated that we should have a landscape architect to give an overview of the proposed landscaping that was suggested by Mr. Levine.

Mr. Gaccione said they would bring a landscape architect to the next meeting.

Chairman Brower stated that our next meeting will start with the landscape architect, and then have questions from the public.

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

7. A motion to adjourn meeting

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

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	X			
Member Sandra Nathans, 2 nd Alt	X			

Respectfully submitted,



Mel Levine
 Planning Board Secretary