

**PLANNING BOARD MINUTES  
REGULAR MEETING  
March 28, 2016**

1. The Planning Board Regular Meeting of March 28, 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 <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 was recused from the meeting

5. A Motion to accept to the minutes of the February 8, 2016 Conference Meeting

Moved by:	Member Scott Fishbone
Seconded by :	Member Sandra Nathans

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 <sup>st</sup> Alt. Joseph Barba	X			
2 <sup>nd</sup> Alt. Sandra Nathans	X			

6. Mr. Gaccione Esq., attorney for the applicant, K. Hovnanian at North Caldwell IV, LLC called Mr. Ciliberto, P.E. as a witness to answer any questions the public might have, there were no questions.

Chairman Brower opened the meeting to the public for comments on the project, but before hearing comments he explained the procedures that were going to be followed going forward.

Arnold Chait, 97 Four Seasons Drive, North Caldwell, NJ - concerned about cost sharing and responsibilities. Mr. Chait distributed to the Board a request for conditions to be included in the Resolution if the Board grants a Preliminary and Final Major Subdivision. Mr. Chait complimented the Board on their receptiveness and professionalism.

Dan Gallagher, 36 Ferndale Road – felt applicant did not do sufficient research for drainage issues.

There were no further comments from the public.

Mr. Gaccione asked Mr. Caniglia, Esq., Area Counsel for his client, to address the six (6) points from Mr. Chait's letter.

Mr. Caniglia addressed all six (6) points.

Mr. Ramsey wanted a few points of clarification on cost sharing agreement, and that Four Seasons has been waiting to see the final plans. Mr. Ramsey stated that the last letter from Suburban had five (5) conditions, and he felt that one concerning the affordable housing property should not be included and should be for future discussion. The four (4) other conditions he believed were acceptable to both parties and will be in the conditions of approval.

Mr. Gaccione presented his summation to the Board. He referred to the property as Lot 3, Block 101, which is approximately 36 acres of vacant land. His client is seeking to subdivide the property into 66 lots. The proposal is to construct 62 single family homes, there will also be 3 lots for detentions basins, and one (1) lot to be transferred to North Caldwell for affordable housing. His client is also asking for site plan approval and variances for retaining walls and fence setback. The site is located in an R-8 zone which permits the proposed use, and with the variances the application complies.

The drainage issues have been resolved amongst the engineers, and have reached an agreement as to how drainage should be handled.

Chairman Brower asked if any Board Member would like to make a motion to approve or not to approve the preliminary and final major subdivision as submitted by the applicant.

Member Dr. Spinelli asked Mr. Dusinberre if he was to make a motion how specific should the content of the motion be.

Mr. Dusinberre stated that he should be as specific as he can, but he will still have the ability to be more specific in the drafting of the Resolution, and that is why we memorialize the Resolution after the vote to make sure it is consistent with the record.

Dr. Spinelli made a motion to approve the application for a Major Subdivision of Hilltop Parcel 3 with conditions:

1. The applicant remove the existing chain link fencing with barb wire at rear of Ferndale Road.
2. The applicant remove the existing structure at the rear of 32 Ferndale Road and restore area with fencing.
3. *Chain link fencing on top of the berm behind Ferndale Road will remain.*
4. The applicant provide final design requirements as well as evidence that NJDEP has classified the so-called dam detention basin 2.
5. The applicant provide evidence that NJDEP, Caldwell Borough and Verona Township has issued approvals relating to sanitary sewer extensions, water system extensions, wetlands and dams.
6. The applicant will provide upon completion of the stormwater management measures a maintenance plan and schedule for all storm water management facilities as per the requirement of NJAC &:8 stormwater management rules.
7. The applicant provide a gutter line, curbing at the entrance of the Four Seasons Community westerly side on Hilltop Drive.
8. The applicant provide evidence of an HOA and that HOA provide to the Borough maintenance and inspection reports of stormwater management systems within the conservation easement.
9. The applicant shall comply with PSE&G for improvements to the gas line.
10. Regarding walls and fences the applicant shall comply with their exhibits and testimony.
11. The applicant shall comply with and is subject to Essex County conservation, erosion approvals as well as Planning Board approvals.
12. The applicant shall comply with landscape plantings as per their exhibits and testimony.
13. The application provide video inspection and spot repair of sewer lines along Glenview Road.
14. The applicant shall comply with all variances, de minimis exceptions and waivers placed on the record by the applicants expert testimony and exhibits.
15. Applicant shall have all storm water conditions and improvements in place prior to any construction.

Member Barba suggested that North Caldwell should advise Caldwell of the K. Hovnanian project and what will be taking place upstream.

Member Fishbone asked Mr. Dusinberre whether or not the conditions going forward are going to be a part of the HOA, regarding obligation of maintenance and the relationship with Four Seasons, that all this information is put into the master deed.

Mr. Dusinberre stated that as was done with Four Seasons, a review of these documents will be done by Mr. Zichelli and Mr. Dusinberre, and will be subject to all the conditions discussed as to what the association will be responsible for, as well as a cost sharing agreement between Four Seasons and the HOA for the new development.

Moved by:	Member Dr. Spinelli
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 <sup>st</sup> Alt. Joseph Barba	X			
2 <sup>nd</sup> Alt. Sandra Nathans			X	

7. Brower Chairman opened the meeting to the public:

Mr. Foti, 18 Ferndale Road wanted to know why a portion of Ferndale Road was dug up and then patched.

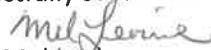
Mr. Zichelli testified that the reason for the excavation was to improve water pressure on Ferndale Rd

8. Motion to adjourn meeting:

Moved by:	Member Dr. Spineli
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 <sup>st</sup> Alt. Joseph Barba	X			
2 <sup>nd</sup> Alt. Sandra Nathans	X			

Respectfully submitted

  
Mel Levine

Planning Board Secretary