

PLANNING BOARD MINUTES
REGULAR MEETING
August 17, 2015

1. The Planning Board Meeting of August 17, 2015 was called to order by Chairman Joseph Brower at 8:00 p.m..
2. Sunshine Law Statement that this meeting is being held in accordance with the Open Public Meetings Law, noticed of this meeting was provided in accordance with the requirements of Chapter 231, P.L. 1975
3. Pledge of Allegiance
4. Roll Call 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	

5. A motion to accept the minutes of the March 2, 2015 Conference Meeting.

Moved by:	Member Sandra Nathans
Seconded by :	Vice Chairman James Campbell

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			

- 6 Chairman Joseph Brower explained to the public Planning Boards protocol and procedures in conducting an application before the Planning Board.

Applicant professionals present at the Planning Board Meeting:

John Caniglia, Esq. Area Counsel
 Joseph Lipanovski Architect
 Peter A. Ciliberto, Jr. Site Engineer
 Michael J. Tobia, P.P. Planning
 Robert Gaccione Counsel

Also present representing the Four Seasons Condominium Association was David Ramsey, Esq.

- 7 The applicant K. Hovnanian at North IV, LLC is filing the present application with the North Caldwell Planning Board requesting preliminary and final major subdivision approval in addition to 3 bulk variances and 2 submission waivers to subdivide existing property known as Block 101, Lot 3 on the North Caldwell Tax Map and otherwise known as Hilltop Parcel 3 into 66 tax lots. Of the 66 proposed lots, 62 are proposed to be developed for single family dwellings, 3 are proposed as storm water detention basins and 1 lot (5 acres) will be subdivided and deeded to the Borough of North Caldwell for development as an affordable housing apartment complex.

John Caniglia, Esq.

John Caniglia, Esq. area counsel for K. Hovnanian that the approval process for development of the Essex County Jail Annex started 18 years ago when Essex County began their discussions for the development of this property. This parcel of land is 36 acres, of which 5 acres will be subdivided for Affordable Housing, and 62 single family homes will be constructed, instead of 66.

Robert A. Gaccione, Esq., attorney for the applicant K. Hovnanian at North Caldwell IV, LLC presented an overview of the proposed project.

Hilltop at Essex County Parcel 3 is an age target community located in the Borough of North Caldwell, which is located off White Rock Road and Hilltop Drive. This project is part of the Hilltop Redevelopment Plan, which also included the single family homes along Arbor Road in Parcel 2 and Four Seasons at North Caldwell development in Parcel 4, both developed by K. Hovnanian.

The site is bounded by single family homes and a wooded area to the north, and White Rock Road and the Highlands at Hilltop apartment complex to the east. Four Seasons at

North Caldwell is located to the south and single family homes along Ferndale Road. Glenview Road and wooded area are to the west.

Peter A. Ciliberto, Jr. Site Engineer, described the topography of the Road.

Peter A. Ciliberto Jr. submitted 3 exhibits, A 1, A 2, A 3, and A4

Exhibit A 1 was an aerial view of the property

Exhibit A 2 was retaining walls needed due to topography of the property

Exhibit A 3 62 lots and 3 basins

Exhibit A 4 Variances

The Site Engineer described the topography of the property. The site generally slopes downward from the east, along White Rock Road, to the west to a tributary to the Passaic River, which flows north to south

The topography of the site is relatively steep.

On the east side of the site the grade of White Rock Road goes from 510 to about 667 at the top of the hill, that's a slope of about 8%

At our tie-in to Hilltop Drive near White Rock Road the grade is 532. The proposed extension of Hilltop Drive then must reach the top of its climb over the hill at 626 then tie to the Hilltop Drive extension off of Arbor Road at a grade of 565

The slopes through the site range from 7% to over 16%. There are even some isolated slopes that are up to 1 to 1

I. PROPOSED PROJECT

The residential development, proposed by K. Hovnanian companies for Parcel 3, includes 62 single-family homes.

In accordance with the zoning, at least half of the model homes types offered for sale shall have the master bedroom on the first floor

3 additional lots will be created for the three proposed detention basins

Another lot of just over 5 acres will be subdivided and dedicated to the Borough of North Caldwell for the Affordable Housing District

The project also includes the connection of Hilltop Drive from White Rock Road to Arbor Road and subsequently Mountain Avenue

ZONING

Zone – The site is zoned R-8 Residential District in which age targeted single family detached housing is a permitted use. It is not the intention of the applicant to seek any variances with the exception as those needed for the construction of retaining walls and fences.

DENSITY

The density of the proposed development is 2 units per acre on the net tract area of 31.0 acres.

BULK REQUIREMENTS

All of the bulk requirements of the zone, which include frontage, setbacks, building requirements and recreation, are fully complied with.

WAIVERS

1. Boundary Survey required

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

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

2. Tree Removal and Planting Plan required

Pursuant to the North Caldwell Ordinance Section 96-5, the location of trees or wooded areas are to be shown on the tree removal and planting plan, where a tree is defined as a woody perennial plant having a diameter greater than 6”, measured at a point 4 and ½” above the ground is required.

- The applicant is requesting a submission waiver to defer showing all trees greater than 6” as measured 4 and ½ above the ground until plot plans are submitted.

VARIANCES

There are variances that the applicant is seeking for location and heights of retaining walls. They are as follows:

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

Variance relief is requested for walls

- along Hilltop Drive from approximately Station 20 +50 to station 23 +75
 - at the end of Road "E" Cul-De-Sac due to the adjacent environmentally sensitive area.
2. Section 107-32 states that the maximum height of a wall in the front yard and side yard (including the facing yard on a corner lot) which is essentially parallel to or facing the street shall be three (3) feet.

Variance relief requested for walls

- along Hilltop Drive from Approximately Station 20+50 to Station 23+75, building lot 20 and building lots 25 and 26 at the end of the Road "E" Cu-De-Sac due to the adjacent environmentally sensitive area
 - along the side yard of building lot 45 due to excessive existing steep slope
 - along the side yard of the lot for Detention Basins 1 & 2 for construction of the detention basins.
3. Section 107-32 states that the maximum height of a wall in the front yard and side yard that is essentially perpendicular to the street shall be six (6) feet up to the line of the building envelope.

Variance relief is requested for walls

- within the front and side yard of building lot 20 and building lot 25 due to the adjacent environmentally sensitive area
 - along the side yard of building lot 40 to an existing gas main that runs parallel to the side lot line
 - along the side yard of building lots 58 through 62 due to the 12% road slope of Road "D"
 - along the side yard of the lot for Detention Basin 2 for construction of the detention basin
4. Section 107-32 states that the maximum height of a wall in the rear yard shall be five (5) feet

Variance relief is requested for various walls

- in the rear yards of building lots 1 through 12 and lot 17 due to the walkout condition of the lot and / or the adjacent lot
 - building lots 21 through 45 due to the excessive existing steep slopes
 - lots 48 through 54 due to the 9% road slope of Hilltop Drive
 - lots 58 through 62 due to 12% road slope of Road "D", in the rear yards of building lots 4 through 5 due to existing detention basin
 - A variance is also requested for building lot 20 due to the location of detention basin #2 to the rear of the lot and environmentally sensitive area adjacent to the lot
 - along the rear of the lot for Detention Basin 2 for construction of the detention basin
5. Section 107 – 32 requires that any fence placed on the top of a retaining wall is required to be set back four (4) feet from the face of the retaining wall measured horizontally.

Variance relief is requested for various fences which will have a horizontal setback of 4 inches from the rear edge of retaining walls in the side and rear yard of building lots 1 through 12, 17, 20 through 45 and 48 through 62, Detention Basin 2 and Detention Basin 3.

This variance relief is being requested for:

- safety and fall protection reasons in that the 4 foot horizontal separation would allow persons to get between the fence and the top of the retaining wall
- the 4 foot horizontal separation for retaining walls located in side and rear yards on building lots would limit the usability of the private yard space and reduce the usability of the private yard space and reduce the available area for homeowner use
- and also adversely impact the ability to properly maintain those areas.

EXISTING EASEMENTS

Gas Easement – There is a 20 foot wide easement for a gas line that runs from White Rock Road to Glenview Road. It is the intention of the subdivision plans to keep the existing gas easement.

Site Plan

A. Access – The site will be accessed from two roads.

The main road through the subdivision (Hilltop Drive) connects with White Rock Road near Four Seasons Drive, the entrance road into the Four Seasons at North Caldwell community.

The first few hundred feet of Hilltop Drive, from White Rock Road and into the subdivision have already been constructed with the Parcel 4 community.

Hilltop Drive then winds through the subdivision crosses a bridge over a stream, which was previously constructed as part of Parcel 2, and connects with Arbor Road, which is an existing road within the Parcel 2 subdivision

Arbor Road tconnects with Mountain Avenue.

B. Layout – Off of Hilltop Drive there are 3 internal intersections

The first 2 intersections are with Road “D” which creates a loop with Hilltop Drive, 13 homes front on “D”

The third intersection is with Road “E”, which is a cul-de-sac with 8 homes fronting on it

The roads in the development are considered Residential Access per the RSIS, and meet the applicable standards

The roads are all 28 feet wide, which allows for a 21 foot wide cartway and a 7 foot parking lane on one side

The right-of-way is 50 feet wide and there is a 4 foot sidewalk on both sides of the streets with the exception of Hilltop Drive, from station 20+50 to Arbor Road, which only has a sidewalk on the side where homes front on Hillside Drive.

C. Parking – Parking for the site includes garages, driveways, and on street parking

Each home includes a garage and an adjoining driveway, the two-car garage, provided for each home, counts for 3.5 parking stalls in accordance with RSIS. The 3.5 parking stalls per home exceeds the required parking needed for single family detached housing with 4 or 5 bedrooms per RSIS

There is additional parking along the streets that provides parking for visitors; this parking has not been counted. According to the RSIS, a length of 23 feet per on street parking spaces shall be used in

calculating the number of available on-street parking spaces. The Applicant estimates in excess of 100 spaces on-street.

- D. Grading** - Development of the site will require the export of approximately 15,400 cubic yards of material

This has been reduced to the extent practicable, keeping road slopes reasonable and meeting grade where required

Retaining walls as discussed earlier have been used to the maximum extent to minimize disturbance to existing wooded areas and reduce the amount of earthwork at the site

- E. Trash Pick-Up**- Trash and recyclables will be stored in the garage and we are anticipating that there will be curbside pick-up

- F. Lighting** - Lighting has been proposed for all streets within the development. 34 light standards are being utilized to provide lighting, which will be coordinated with PSE&G and North Caldwell.

- G. Landscaping** – Landscaping has been proposed for the community

172 street trees are proposed along all streets in the community, planted at an average of 50 feet center to center

Landscaping has also been proposed along the property line adjacent to the Four Seasons at north Caldwell community as a screening for Detention Basins 1 and 2 in the center of lots 48 – 62

A row of evergreens are also proposed along the property line adjacent to Detention Basin 2 as a screen

- H. The site has been designed to fully comply or will comply with all requirements of the RSIS.**

II. Stormwater Management

- A. Detention Basins** – Three detention basins has been provided for the subdivision to handle stormwater management for attenuation to peak flows, water quality and groundwater recharge. All basins have been located on separate lots and will be maintained by a homeowners association.

1. Detention Basin 1 is located along Hilltop Drive, just past its intersection with Road “E”

Storm water from this basin will be directed to the on-site tributary to the Passaic River, just upstream of the previously built Hilltop culvert crossing of the tributary

The basin is designed as an infiltration basin with an earthen berm and a 4 foot wall surrounding much of the basin

2. Detention Basin 2 is located in the rear of lots 16 through 20

Access to the basin will be provided off of Glenview Road

Stormwater from this basin will be directed to the on-site tributary to the Passaic River, just upstream of the lots fronting Glenview Road

The basin is designed as an infiltration basin with an earthen berm, adjacent to the 3 property line to the west; a wall along the northern property line that varies in height up to 12.5 feet; and a wall between 4 to 6.5 feet in height surrounding much of the interior of the basin

3. Detention Basin 3 is an existing basin that was constructed on the Parcel 3 property to replace an underground basin that was approved as part of the Four Seasons at North Caldwell community

The basin is located in the rear of lots 4 and 5, access to the basin will be provided through a basin access road off Hilltop Drive

The access road will be constructed with pavers

Storm water from the basin will be directed to an existing storm drainage system, constructed as part of the Four Seasons community, which has been sized to take flows from this basin

The stormwater is ultimately discharged into the tributary to the Passaic River, downstream of the Ferndale Road crossing of the tributary

The basin was constructed with side slopes of 1 to 4 and utilizes a 24" ADS pipe for its outlet

The Applicant is proposing to modify the outlet structure with flow controls to reduce the post-development flows coming from this basin and cut an emergency spillway into the basin

No changes to the grading of this basin are proposed

B. Quantity Control – The NJDEP storm water runoff management regulations

require the post-development peak runoff flow rate leaving a developed site to be 50% of the pre-development peak runoff rate for the 2 – year storm, and the post-development peak runoff flow rate leaving a developed site to be 75% and 80% of the pre-development peak runoff rate for the 10 & 100 year storms respectively. The on-site detention basins are being utilized to attenuate the post development flows to less than pre-development levels in accordance with NJDEP regulations. The basin meets the requirements for storm water quality control.

- C. **Water Quality** – In addition to storm quantity control, we are also required to detain storm water for the purpose of water quality. The site's water quality requirement will be accomplished through the use of Detention Basins 1 and 2 and a manufactured storm water treatment device. Both detention basins provide a Total Suspended Solids removal of 60%. The remaining 20% will be achieved with the use of a manufactured storm water treatment device which is rated for 50 % TSS removal.
- D. **Groundwater Recharge** – The applicant is required to maintain the existing groundwater recharge at the site. The detention basins were designed with 6 “ of sand in the basin bottom, the void spaces in the sand layer provide for the storage required to meet the recharge requirement of NJDEP.

III Utilities

A. Sanitary Sewer

The site is served by two sewer service areas

The Borough of Caldwell Wastewater Treatment Plant will serve the northern part of the subdivision with 25 lots

The sewage from this part of the subdivision is collected in a sewer system and will flow to an existing sewer main in Glenview Road.

The Township of Verona Wastewater Treatment Plant will serve the southern part of the subdivision with 37 lots.

The sewage from this part of the subdivision is collected in a sewer system and will flow to an existing sewer main in Hilltop Drive, which was constructed as part of the Parcel 4 development

B. Water Distribution

The water for the site will be supplied by Essex Fells Water Department

The water through the development will consist of 8" pipe and will have 3 connections to existing mains

There is a proposed connection to the existing water main in Glenview Road

There is an existing 8 " water main in Hilltop Drive that extends past the existing culvert, this was constructed with the Parcel 2 development

- C. Electric - PSE&G
- D. GAS - PSE&G
- E. Telephone - Verizon
- F. Cable - Cablevision

IV. Review Letters

A. Township Engineer - Report of July 2, 2015

Go over response letter that was submitted to the Borough

B. Meeting with the HOA of Four Seasons at North Caldwell

On July 23, 2015 we met with Members of the HOA of Four Seasons at North Caldwell and their lawyers and engineers. They had some concerns regarding the site plan which we addressed. As a result of the meetings we had agreed to construct a fence, same as proposed for the top of walls within the development, along our property line adjacent to their property.

The purpose of the fence is to keep residents off the Four Seasons property by demarking the property line in the field and for Safety concerns regarding the slope and wall on the Four Seasons property.

V. Approvals

A. Essex County Approval

An application has been submitted.

B. Hudson Essex Passaic Soil Conservation District Certification

Application will be submitted upon addressing the Borough professional comments.

C. Borough of Caldwell Water treatment Plant

Application will be submitted upon addressing the Borough professional comments.

D. Township of Verona Waste water Treatment Plant

Application will be submitted upon addressing the Borough

professional comments.

E. NJDEP Sanitary Sewer Extension Permit

Will be submitted upon final approval from the Borough of Caldwell Wastewater Treatment Plant and the Township of Verona Wastewater Treatment Plant.

F. NJDEP Water Main extension Permit

Application will be submitted upon final approval from the Borough's water department.

G. NJDEP LOI

Permit issued January 15, 2004

H. NJDEP Stream Encroachment Permit

Permit was issued October 1, 2003 for the water line crossing and culvert crossing of the tributary to Passaic River, both of which have been installed as a part of the Parcel 2 subdivision.

I. NJDEP Freshwater Wetlands Transition Area Waiver

Permit was issued October 3 2006 and included a transition area reduction on the wetlands adjacent to lot 20 and a transition area expansion on the wetlands adjacent to lot 25. Both of these areas are shown on the plans.

J. NJDEP Freshwater Wetlands Fill Permit

Permit was issued October 3, 2006 and included the filling of two small isolated wetland areas that were located on lots 14 and 15. Both of these areas have been filled as part of demolition that has taken place at the site.

8. Citizens to be heard:

David Ramsey, Esq., attorney representing the Four Seasons Condominium Association, expressed concerns about stormwater from the new development and the effects might have on Four Seasons, as well as the maintenance. He has had meetings with Frank A. Zichelli, Jr., PE,PP,CPWM, on behalf of the Planning Board, regarding these issues. Mr. Zichelli employed Hatch Mott MacDonald, a consulting engineering firm serving public and private clients. HMM's capabilities include planning project development studies and analysis, design, procurement, and construction engineering to review Storm water Management Plan proposed for the Hilltop Property, and to address these issues. Arnold Chait, 97 Four Seasons Drive, North Caldwell, NJ – concerns about lots 3 and 4 detention basins, and volume of discharge. Peter and Kathryn Mazzola, 13 Four Seasons Drive, North Caldwell, NJ – concerned about timeline regarding inspection of stormwater facilities.

Donald Theobald, Jr., 54 Ferndale Road, North Caldwell, NJ – wanted to know the plans for fences,

John and Nancy Bonnet, 25 Glenview Drive, North Caldwell, NJ – concerned about water basin, and the impact of all that water going into the ground and feeding into Glenview stream.

Darryl and Patricia Hoffner, 24 Four Seasons Drive, North Caldwell, NJ – concerned about run-off going into detention pond.

Dan Gallagher, 36 Ferndale Road, North Caldwell, NJ – concerned about detention basin 2, run-off and tree coverage.

Alesander Albu, 40 Ferndale Road, North Caldwell, NJ – concerned about height elevation of property in new development in relation to his.

9. A motion to adjourn the evening meeting at 11:15 p,m,

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

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			

Respectfully submitted,



Mel Levine
 Planning Board Secretary