

PLANNING BOARD
RE-ORGANIZATION MEETING
MONDAY, JANUARY 4, 2016

7:30 p.m.

AGENDA

1. Chairman Joseph Brower to call the Planning Board Re-Organization Meeting to order
2. Sunshine Law Statement
3. Pledge of Allegiance
4. Roll Call
5. Mayoral Appointments to the Planning Board:
 - Class IV,
 - Class II, Regular Member
 - Alternate Member 2
6. Election of Planning Board Chairman
7. Election of Planning Board Vice Chairman
8. Election of Planning Board Secretary
9. The 2016 Annual Schedule of Meetings
 - A. Resolution on date, time, and location of meeting
10. Approval of minutes from the November 2, 2015 Conference Meeting
11. Approval of minutes from the November 23, 2015 Regular Meeting
12. Applicant – K. Hovnanian at North Caldwell IV, LLC.
13. Citizens to be heard
14. Motion to adjourn meeting

**PLANNING BOARD
RE-ORGANIZATION MEETING
Monday, January 4, 2016
7:30 p.m.**

The North Caldwell Planning Board Re-Organization Meeting of January 4, 2016 was called to order by Chairman Joseph Brower at 7:30 p.m.

1. Chairman Joseph Brower read the Open Public Meeting Notice
2. Pledge of allegiance
3. 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 Arthur 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	

4. Mayoral Appointments to the Planning Board: (no confirmation required)

James Campbell - Class IV - Regular Member - 4 year term to expire 12/31/2019
 Sandra Nathans - Alternate # 2 Member - 2 year term to expire 12/31/2017
 Mel Levine - Class II Member, Municipal Official, 1year term to expire 12/31/2016

5. Election of Planning Board Chairman

A motion was made by Mayor Joseph Alessi to nominate Joseph Brower as Chairman of the North Caldwell Planning Board.

Moved by:	Mayor Alessi
Seconded by :	Member Joseph Barba

Roll Call Vote:

MEMBER	YES	NO	ABSTAIN	ABSENT
Chairman Joseph Brower	X			
Vice Chairman James Campbell	X			
Mayor Joseph Alessi	X			
Councilman Arthur 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

6. Election of Vice Chairman

A motion was made by Chairman Joseph Brower to nominate James Campbell as Vice Chairman of the North Caldwell Planning Board.

Moved by:	Chairman Brower
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 Arthur 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

7. Election of Planning Board Secretary: A motion was made by Chairman Joseph Brower to nominate Mel Levine as Planning Board Secretary.

Moved by:	Chairman Joseph Brower
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 Arthur 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

8. The 2016 Annual Schedule of Meetings

WHEREAS, the provisions of Chapter 231, P.L.1975 require that public bodies provide advance notice to the public of the date, time and location of meetings.

NOW, THEREFORE, BE IT RESOLVED that the following schedule of meetings of the Planning Board of The Borough of North Caldwell is hereby adopted for this Calendar Year 2016 and the a copy of this Resolution be forwarded to THE PROGRESS AND STAR LEDGER, and that a copy be posted in the office of the Borough Clerk.

PLANNING BOARD MEETINGS 2016

DATE	PURPOSE
January 4	Conference
January 25	Regular
February 8	Conference
February 29	Regular
March 14	Conference
March 28	Regular
April 11	Conference
April 18	Regular
May 9	Conference
May 23	Regular
June 13	Conference
June 20	Regular
July 11	Conference
July 18	Regular
August 8	Conference
August 15	Regular
September 12	Conference
September 19	Regular
October 17	Conference
October 24	Regular
November 14	Conference
November 21	Regular
December 5	Conference
December 12	Regular
January 9 (2017)	Conference (2017)

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 Athur 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

9. A motion was made to accept the minutes of the November 2, 2015 Conference Meeting

Moved by:	Member Joseph Barba
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 Arthur 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

10. A motion was made to accept the minutes of the November 23, 2015 Regular Meeting

Moved by:	Vice Chairman James Campbell
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 Arthur 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

Mayor Joseph Alessi recused himself from the rest of the meeting and left the building at 7:55p.m.

11. Applicant – K. Hovnanian at North Caldwell IV, LLC. represented by Robert A. Gaccione, Esq.

Mr. Gaccione introduced the Board to Richard G. Pfluger, Insurance Expert, and Michael J. Tobia, Professional Planner.

Richard G. Pfluger was sworn in by John R. Dusinberre, Esq.

Mr. Gaccione asked Mr. Pfluger to discuss whether the storm water detention basins will have any

effect on the insurance premiums of the property owners in the area.

Chairman Brower asked Mr. Pfluger if he had any experience testifying before a Planning Board?

Mr. Pfluger said he had only given testimony before the Superior Court.

Mr. Dusinberre asked Mr. Pfluger if he had any experience dealing with evaluating risks relating to flooding and stormwater management and the impact of those structures regarding insurance premiums?

Mr. Pfluger stated he has litigated cases where flood coverage was denied, he is a loss prevention engineer and did site reports on construction in areas that flood.

Mr. Dusinberre asked Mr. Pfluger in the course of his work in evaluating risks, if he had any dealing with residential homeowners coverages, and premium ratings, on homeowners policies?

Mr. Pfluger testified that the rates are set by the information submitted to a website that calculates rates. As an example Mr. Pfluger put in an address, 36 Fernadale Road, and it was classified as Class X, which is the lowest hazard as for as flood exposure.

Mr. Gaccione asked Mr. Pfluger what determines if a property is identified as being in a flood zone.

Mr. Pfluger stated that the Army Core of Engineers is responsible for a map, since Sandy, because areas that were not considered to be in the flood zone, became in the flood zone.

Mr. Gaccione stated if you are living in proximity to a storm water detention basin, does that increase standard homeowners risk, and would it change if the storm water detention basin was classified as a dam?

Mr. Pfluger responded no to both questions asked by Mr. Gaccione regarding homeowners risk.

Chairman Brower asked if there were any questions from the Board.

Councilman Rees asked if there was a risk being near a dam, regarding insurance premiums.

Mr. Pfluger said that if the dam meets all the building codes, there is no risk, and would be approved.

Mr. Gaccione stated that the witness is on the stand for the purpose of discussing the insurance premium, and whether or not the insurance premium is going to be effected because there is going to be a stormwater basin there. That is his testimony, He is not a drainage engineer.

Vice Chairman James Campbell said that if the storm water basin was constructed correctly it had a life expectancy of 30 years, surely that poses a risk, engineers are working on these plans now to address any of these deficiencies for the 100 year and 400 year storm. We seem to be having 100 year storms every year, what will happen when land is developed. He wanted to know how we can mitigate the problem now, instead of later.

Mr. Pfluger said he cannot predict the future.

Chairman Brower questioned the existing rating X, least possible chance of a problem, what would change an area classified as X ? The reason for the question is when this project is completed and the Army Core of Engineers look at the project, how do they determine the rating?

Mr. Pfluger stated he was not qualified to answer that question.

Chairman Brower opened the meeting to the public for questions.

Mrs. Kay McCormack, 16 Four Seasons Drive, concerned about the natural environment causing pipes to crack. and weaken their foundations. Not related, engineering question.

Mr. Bernard Albanes 5 Four Seasons Drive, wanted to know if basin was not built properly or maintained correctly, who would be responsible for maintenance.

Chairman Brower suggested that we would get into that area when we discuss HOA responsibilities.

Mr. Arnold Chait, 97 Four Seasons Drive, the ratings by the Army Corps show of Engineers that this area is not in the flood zone, however, we are talking about 62 homes being built on this proper property with streets will create a lot more impervious surface, and all that water will be captured in the 3 proposed basins. If one of those basins happen to fail in a 100 year storm and causes it to overflow and causes damage to neighboring property would that have any effect on the contract ren renewal premium?

Mr. Pfluger replied that the Core of Army Engineers do not do these surveys every year, and if something did go wrong, it would not be considered your fault.

Joseph Seltzer, 41 Four Seasons Drive, asked Mr. Pfluger what it would cost Four Seasons to buy flood insurance for the common area where the cars are parked (25 cars under each of the 12 units)

Mr. Pfluger could not answer the question because he did not have any of the facts.

Dan Gallagher, 36 Ferndale Road- mentioned that a few months ago, on the front page of the Star Ledger there was an article on New Jersey having a crisis on it's dams. Is this issue going to be and issue when writing these policies? Has New Jersey faced over the years any problems concerning dams and their insurance policies? (OBJECTED) When rates are put into place by the Army Corps of Engineers, when topography changes because of building does that change the risk? Too many unknowns to answer the question.

Chairman Brower introduced Michael J. Tobia, P.P., Community Planning Consultant.

Michael J. Tobia, P.P. was sworn in by Mr. Dusinger.

Mr. Tobia provided general planning testimony after having reviewed the borough's master plan in support of the bulk variances requested in satisfaction of the required positive and negative criteria.

In order to develop the subject property as proposed, the Applicant is seeking five "C" or bulk variances pursuant to N.J.S.A. 40:55-70 (c) for the following deviations from the North Caldwell Zoning Ordinance:

Class C Variance : No retaining Walls within 25 ' of a street center line nor 10' of a street ROW

Class C Variance: Maximum Height of 3' for Retaining Wall in the front Yard and Side Yard paralled to or facing the street.

Class C Variance: Maximum Height of 6' for Retaining Wall in the Front Yard and Side Yard perpendicular to the street.

Class C Variance: Maximum Height 5' for Retaining Wall in the Rear Yard

Class C Variance: Minimum Fence Setback of 4 ' Required from Retaining Wall

Mr. Tobia supports and feels justified that the application is in compliance with the Municipal Land Use Law.

Chairman Brower asked if the Board had any questions.

Member Fishbone asked what would be done with the lots that are very long.

Mr. Tobia stated that property would be considered to be a conservation area .

Member Barba question what the walls would be constructed of and their life expectancy.

Mr. Ciliberto, previously sworn in, stated that most of the walls would be keystone, and had a life expectancy of 25 years plus.

Member Fishbone asked if there were going to be restrictions on the type of fencing that would be placed on top of walls.

Mr. Ciliberto said there would be restrictions keeping with the North Caldwell Fencing Ordinance.

Mr. Tobia stated he was against clear cutting an area, feels trees add warmth to a new area, that you would not see for at least 20 years. However, there will have to some areas where trees have to be cut for roads etc. A tree plan consisting of over 200 trees has already been designed.

Chairman opened the meeting for public comment.

Arnold Chait, 97 four Seasons Drive, concerned about Affordable Housing using Road D, except for emergency access. Concerned about traffic impact.

Mr. Tobia could not answer the question since there have not been any layouts for that parcel.

Mr. Jay W. McCann, 32 Ferndale Road, wanted an explanation of basin 3 which will border his

property, concerned about the berm in his back yard and the remnant of a pre existing retaining wall and what are the developers plans for that area.

Mr. Tobia stated that was a question for engineering.

Mrs. Kay Mc Cormack, 16 Four Seasons Drive, questioned if there are plans for a buffer between the backyards of new homes, and Four Seasons Condominiums.

Peter Ciliberto stated there will be a 50 foot buffer zone, natural state, without a retaining wall or fence.

Darryl Haffner, 24 Four Seasons Drive, concerned about homes 1 through 4 will appear to be tall because of egress from basement, and wanted to know if there were plans for a buffer with trees.

Mr. Tobia stated there would be a buffer because of setbacks from new homes and setbacks from Four Seasons. Mr. Tobia explained that more details regarding this buffer would be discussed by Mr. Ciliberto at the next meeting.

Mr. Bernard Albanese, 5 Four Seasons Drive, questioned if this buffer is going to be a conservation area, will there be restrictions on the new homeowners as to use of that property. Mr. Albanese wanted to know if they could take down trees or build in the conservation area.

Mr. Tobia said there would be an easement on those properties (1-4) explaining the restrictions.

Mr. Joseph Selzer, 41 Four Seasons Drive, had safety concerns about the amount of traffic from Four Seasons and the proposed Affordable Housing development that will be using White Rock Road.

Mr. Dusinger, Esq. replied that the RFP for Affordable Housing is not part of this application, and will have to come to the Planning Board for site approval after the Mayor and Council act upon the RFP, which will be in the next few months. This will be noticed in the Progress.

Mr. Dan Gallagher, 36 Ferndale Road, asked about tree replacement, and if North Caldwell had a tree ordinance.

Mr. Tobia stated that there are plans for tree replacement and landscaping in the buffer zones.

Mr. Frank Zichelli, P.E. stated that North Caldwell did not have a tree ordinance.

Chairman Brower stated that the Planning Board will be meeting on February 8, 2016, at 7:30 p.m. to continue this application.

Mr. Dusinger, Esq. reminded the public there will be no further meetings on this application until February 8, 2016 at 7:30 p.m.

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 from the public.

12. A motion to adjourn the meeting for the evening

Moved by:	Member Joseph Barba
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 Arthur 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

Respectfully submitted,



Mel Levine
Planning Board Secretary