

MINUTES OF THE PLANNING BOARD MEETING
Thursday August 24, 2023

Present:

Chairperson Jessica Pearson
Councilman Alex Roman
Deputy Mayor Jack McEvoy
Mr. Al DeOld
Mr. Tim Camuti
Mr. Jesse Lilley
Mr. Jeremy Katzeff

Mr. Chris Bernardo
Mr. Peter Ten Kate, Engineer
Dr. Alvaro Gonzalez, Engineer
Mr. Greg Mascera, Planning Board Attorney
Ms. Marcie Maccarelli, Acting Planning Board
Secretary

Meeting called to order at 7:34 pm by Chair Pearson.

Absent from meeting: Vice Chair Freschi, Mr. Hyndman, & Mr. Jacobsen

Pledge of Allegiance

Chair Pearson reads Open Public Meetings Act Statement.

Public Hearing

Chair Pearson asks if anyone from the public would like to address the board on topics not on this meeting's agenda. Seeing no questions or comments from the public, Chair Pearson closes this portion of the meeting.

Minutes

Chair Pearson asks if all Board Members have read the Minutes & if there are any corrections. Mr. Camuti states that his name was left out in the vote for Vice Chair & Chair. Correction will be made to the minutes. Chair Pearson asks for a motion to approve the corrected minutes from the regular meeting held on July 27, 2023. Mr. Bernardo makes the motion, Mr. Lilley seconds.

Votes in the Affirmative

- Mr. Bernardo
- Mr. Lilley
- Mr. Camuti
- Mr. DeOld
- Deputy Mayor McEvoy
- Councilman Roman

- Chair Pearson

Absent Members

- Vice Chair Freschi
- Mr. Hyndman
- Mr. Jacobsen

Abstaining

- Mr. Katzeff

There were no votes against. The motion passes. Minutes are approved.

RESOLUTIONS

CONSISTENCY DETERMINATION

CONTINUED FROM REGULAR JULY 27, 2023 MEETING

1. Application 2022-04 Preliminary & Final Site Plan for 1 Sunset Avenue Block 303 Lot 1

Mr. John Inglesino reintroduces himself as the applicant's attorney. He advises that Mr. Sean Savage, Civil Engineer for the applicant & the Board Engineers from Boswell have been in communication. Mr. Inglesino advises that there was a resubmission made by their engineers on 08/11/23 and a review letter from Boswell on 08/18/23. Mr. Inglesino states that the applicant will agree to comply with the remaining comments in that review letter as a condition of approval. In regard to the wastewater comments, those are appropriately addressed in connection with the TWA procedure. Chair Pearson asks for specifics of agreement. Mr. Inglesino responds that the review letter of 08/18/23 summarized the open issues following the last meeting. Concerning the seasonal high water table on A & B, Mr. Inglesino states that no further action is required. On A – no further action is required until the soil borings are performed & upon completion the results will be added to the storm water report. For B, the storm water volume calculations confirmed that the volume was the same, so no further action is required. There were some incorrect citations in C that need to be corrected in the report. The bioretention 2-foot separation that is mentioned in D; the Board Engineer asked that the memo prepared by Mr. Savage be incorporated into the stormwater management report & maintenance plan. Mr. Inglesino stated that the applicant agrees to do that. The bioretention hydro cad modeling was performed & resubmitted prior to the meeting for the Board Engineer to review. If it needs to be modified as a condition of approval, the applicant is willing to do that. In regard to the bioretention details, there are several items that need to be "cleaned up" and the applicant agrees to do that. Section E addresses the assessment of the existing stormwater sewer capacity; and no further action is required. In regard to the water & wastewater review, Mr. Inglesino states that the applicant will comply with the T.W.A. and the Town engineer will need to sign off on it.

Chair Pearson asks if the Board Engineers have any questions or if they have anything to add. Dr. Gonzalez states that after the most recent review this morning, if something comes up it would be minor changes that would not effect the result of the flow discharging onto Sunset & Bloomfield. He suggests that the applicant may want to install a rain gauge when they are working on the sanitary analysis. Mr. Mascera advises the Board that he and Mr. Inglesino had a call with Mr. Ten Kate, Dr. Gonzalez & Mr. Savage this morning to close all the open-ended engineering questions. All of the engineering issues are satisfied. Chair Pearson cites two reasons that the applicant may have to come back before the Board: 1) if the modeling changes the runoff quantities to an extent that is no longer in compliance, or 2) once the borings are done, if the test pits show that the seasonal high water table is much higher than expected, it will need to be revisited. Mr. Inglesino doesn't envision that happening, but then notice would be sent to the public & property owners as is required ahead of meetings. Chair Pearson asks Mr. Savage if there are any details that didn't get discussed that he would like to address in regard to the submission he made. Mr. Savage responds, no. Mr. Camuti asks about the hydroCAD peak – he is looking for an explanation on the difference between the Standard model & the Delmarva. Dr. Gonzalez responds that they distribute the rainfall differently, with one reaching its peak & decreases sooner than the other, but when the volume is calculated it is the same. The retention basin that Mr. Savage designed did not change much, because the volume didn't change much. Chair Pearson asks if anyone else on the Board has questions for Mr. Savage, Dr. Gonzalez, or Mr. Ten Kate. There are none. Mr. Mascera commends the Chair for her exemplary work & dedication. Mr. Camuti asks Mr. Mascera for the list of conditions. Mr. Ten Kate has a preliminary list & the Chair has a list; he has combined them & sent them to Mr. Inglesino to review prior to this meeting. He asks if he should read them. Mr. Inglesino states that he has not had an opportunity to review them yet. Chair Pearson asks Mr. Mascera to read them aloud. Mr. Mascera states that there are 38 total conditions, but that some may be redundant. It is a good opportunity to discuss this evening in the event that there is objection so that it can be worked out before the Resolution is drafted.

Mr. Mascera reads the List of Conditions (including but not limited to):

1. No units will be short term or Airbnb rentals by management, owners, or lessees.
2. No units will be sublet by management, owners, or lessees.
3. No left turn onto Sunset Ave. from driveway AND No right Turn Entry into driveway from Sunset
4. Will add sidewalks along Sunset Avenue to provide for safe pedestrian traffic.
5. Add ADA compliant curb ramps for the addition of the planned sidewalks at the intersections of Sunset Ave and Afterglow Ave and Sunset Ave and Bloomfield Ave as well as the entrance driveway to the site on Sunset Ave.
6. Six (6) month review of site lighting and will install light shields as testified and agreed to so as to accommodate potential residential lighting issues.
7. All utilities will be installed underground.
8. No outdoor grills or dining areas in the outdoor courtyards. Mr. Inglesino wants to revisit this condition.
9. Parking garage to have fewer suppressive sprinklers – Mr. Ten Kate clarifies that #9 should actually read “**fire** suppressive sprinklers” *not* fewer suppressive sprinklers.
10. Compliance with the Electric Vehicles Model Ordinance and at a minimum having 1 EV handicap parking space and one EV regular space on each floor of the parking garage. (and whatever additional EV-ready spots required by law on each garage level).
11. Relocate transformers for the purpose of reducing the wall height and thereby reducing the size of the dog run to mitigate the retaining wall height. The fence on top of the wall setback should be setback 3 feet from the face of the wall. This is subject to the review and approval of Board Engineer.
12. Conduct a sanitary sewer capacity analysis by performing a 4-week flow monitoring at a manhole immediately downstream of the location where the Applicant plans to tie into the Township’s sanitary sewer system. Based on these results the applicant is to be submit the capacity analysis. This analysis is to be submitted prior to the Township endorsing a TWA Application for the development. (The adequacy of the existing sanitary sewer capacity to handle the additional wastewater flow generated by the proposed development: The Applicant has agreed to perform the recommended capacity analysis, which will consist of a 4-week flow monitoring at a manhole located immediately downstream of the location where the Applicant plans to tie into the Township’s sanitary system.)
13. Conduct a hydraulic hydrant flow test to assess if the flow available meets the fire flow demand. This is to be done after the township wells are online but prior to the issuance of a Certificate of Occupancy.
14. Provide an analysis of existing and proposed water demand as per Boswell Engineer’s letter of June 1, 2023.
15. Compliance with the Redevelopment Agreement including being responsible for all costs to the Township if expenses are to be incurred if a new water allocation agreement is required with Passaic Valley Water Commission to meet the water demand for the development. – Mr. Inglesino states that he has objections to this, and Mr. Mascera advises that once he finishes reading the list, it can be revisited.
16. Compliance with the landscaping recommendations of Boswell Engineering and the Planning Board as well as the representations made by the Applicant during the Public Hearing with regards to landscaping.
17. Installation of a fully automatic underground landscape irrigation system.
18. Provide a Landscaping Performance Bond and subsequently a 2-year landscaping maintenance guarantee.
19. Approval of the Verona Fire Department of locations of standpipe connections.
20. Resubmission of the Stormwater Management Plan addressing ‘Memorandum-05’ from Boswell Engineering dated July 25, 2023.
21. Perform soil tests between January and April 2024 (SHWT) at the location of the proposed Basins A and B to verify that the assumptions made in the storm water design are compliant with NJDEP BMP Manual. Based on the soil test results, resubmit the Storm water Management Report for review and approval for compliance with NJDEP and Township Ordinances. If required by the Board Engineer,

present the updated Storm water Management Report and System to the Board for final approval. – Mr. Mascera states that in the event that the Engineer finds that it is material, it will come back before the Board.

22. Compliance with the Township Redevelopment Plan.
23. All LED Luminaires shall have a color temperature not exceeding 3000K.- however, the Landscape Architect was amenable to reducing to the preferred limit of 2700K.
24. Will submit copies of all will-serve utility letter responses upon receipt to the Township.
25. Will comply with infrastructure improvements as stated in Boswell's 6/1/2023 Memo #20
26. The entire site's fencing will be replaced with new fencing. Style of fencing should be clarified – Mr. Mascera states that applicant should submit rendering of style of fencing to the Board Engineer for approval. Chair Pearson asks if applicant had mentioned the specific type of fence that they were planning on using. Mr. Inglesino responds that they did specify what they would be using. Mr. Savage informs that there are different types in different areas & it can be found on the site plan. Adjacent to the courtyard & on top of the retaining wall, will be a shorter chain link fence & it will be black. The fence around the outside of the property will be a board on board / shadow box type fence - typically, these are white PVC or wood in a natural color. Chair Pearson advises that she is concerned about the type of fencing materials used, because that is what the neighbors will have to look at. Mr. Inglesino asks for the Board's preference for the fence material. Mr. Katzeff suggests that the fence should either be board on board wood or composite to better withstand the weather. Deputy Mayor McEvoy states that a composite fence would need less maintenance and a dark color like brown would be preferable. Mr. Inglesino agrees to use an earth toned, darker colored composite material for the fence. Mr. Mascera adds the color requirement to the condition & it will apply to the 6 foot fence on the perimeter of the property.
27. Garage will be sprinklered with a Type 13 System.
28. No cellular tower leases will be permitted on this site. (all 8 acres)
29. All signage lighting will only be backlit and have no other accessory lighting
30. Balcony prohibitions on 4 unit lines on the South-East/West side of the building as depicted on Architectural Site plan Sheet A-02 dated 5/5/2023
31. Will coordinate with the Verona Fire Department on the final locations of the water connections to the building and the fire hydrant locations – Mr. Mascera notes that this condition may be redundant.
32. If any rooftop HVAC units are visible to the surrounding streets, they will be appropriately screened
33. Will provide the Township with a recycling plan, according to Ordinance §446-9
34. Will deed restrict and record all Storm water utilities on site that perform green infrastructural BMP's in accordance with §455-14 N, and O and §455-20 B (5) and (7)b
35. Landscape Architect Plans will include caliper of all trees to be planted onsite.
36. Will enhance buffer zones by planting additional evergreen trees in conjunction with 15 Afterglow and other areas where sparse plantings appear to need more trees.
37. Will relocate Transformers from the side of site where dog park is located and will screen the transformer at least, but not limited to the street side viewpoint. – Mr. Mascera notes that this may be redundant & addressed under another condition.
38. Use of rain gauge to measure the levels of rain when conducting the testing of the sanitary sewers.

Chair Pearson mentions that Mr. Savage agreed to screen the street side transformers with plantings. Mr. Inglesino agrees. Councilman Roman states that he had made note of some conditions that were not mentioned: the applicant agreed to provide booster pumps for domestic & fire water if required and also that the applicant agreed that the backup generator would have a sound attenuating housing. Deputy Mayor McEvoy asks that it be noted in regard to the condition of the booster pumps; that it is for now or in the future. Mr. Inglesino agrees. Mr. Mascera asks if there are any other objections, besides number 15. Mr. Inglesino states that he also has an objection to number 8. There will be no grills allowed on the balconies, but they will be allowed in the courtyards. Mr. Katzeff states that he thought the applicant had stated in his testimony that there would be no

grills allowed in the courtyards. Chair Pearson states that she believes the Landscape Architect also said that there would be no grills. Mr. Inglesino states that the courtyard that faces Afterglow is the only one that would not allow grills. Mr. Mascera states that grills are not allowed in the passive courtyards. Mr. Savage states that when looking at the building from Sunset, the 1st courtyard behind the building (back left, closest to Bloomfield Ave) is a passive courtyard as well as the courtyard with the pool, are passive and would not allow grills. Mr. Inglesino corrects him & clarifies that the courtyard closest to Afterglow is actually the passive courtyard that **would not** allow grills and the other two courtyards – one with the pool & the other closest to Bloomfield **would** allow grills. Chair Pearson states that the courtyard closest to the neighboring homes is passive & grills are not allowed there.

Mr. Inglesino states that the applicant agrees to relocate the transformer as stated in condition #11, but that will need to be coordinated with the power company. Chair Pearson adds that they should be screened with plantings, fronting the street and he responds that there is no objection to that. Mr. Inglesino states that in regard to condition #15, the applicant objects to & will not be paying expenses in connection with Verona obtaining water. He states that it is an issue to be addressed between the contractor and the municipality, and not for the Board. Mr. Mascera advises that the town has the obligation to provide infrastructure services. Mr. Inglesino states that he has an objection to the performance bond, but it is in connection with the developer's agreement, which is not an issue to be addressed by this Board. Mr. Inglesino states that the applicant will agree to whatever is in the developer's agreement, for the record. He advises that they will submit the "will serve letters" if they receive them, they will request them, but the letters are not always returned. In regard to #28, Mr. Inglesino states that they have no plans to putting up a cell tower. Mr. Mascera asks to revisit condition #25. He reads from the 06/01/23 Boswell memo "redeveloper acknowledges that certain infrastructure improvements (all items listed in section 4:3 collectively) may be necessary in connection with the implementation of the project. In accordance with the settlement agreement & redevelopment plan, Redeveloper at their sole cost & expense shall provide all necessary engineering studies for, construct, and install, all municipal infrastructure and capacity enhancements or upgrades required in connection with the provision of water, sanitary, sewer, and storm water service to the project." Mr. Inglesino states that if Verona has a deficiency that impacts the project, the applicant is not responsible for fixing it. As long as it is qualified by "as required by the municipal land use law" he will agree to it. He will not agree to vague language that would try to pass on Verona costs to the developer.

Mr. Inglesino advises that he has no other comments on the list of conditions at this time. He will review it and get back to the Board immediately. He doesn't see anything objectionable at this time and there may need to be more conditions added after review of the record. He would like to see the conditions added to the Resolution, as the applicant often uses them as a checklist. Mr. Mascera lists the 3 variances:

VARIANCES

1. Sheet Size max 24 x 36 where the applicant submitted 30 x 42
2. Parking in Front Yard Variance; 2 spots encroach into Front Yard Setback
3. Wall Height in Front Yard Variance- greater than 4' with a 3 foot fence (7 feet)

Chair Pearson asks about the wall height at Basin C. Mr. Savage responds that it is between 2 – 3 feet high but with the 4-foot fence on top it is close to 7 feet. Chair Pearson asks what the linear footage is of that wall. Mr. Savage advises that it is about 50 feet. Chair Pearson asks to see where it is on the site plans. Mr. Savage advises that it can be seen on the Grading & Drainage Plan, Sheet 6. It can be found on the Southside of the building and may be less than 50 feet. Councilman Roman asks if there is a code requiring the fence on top of the wall to be 4 feet. Mr. Savage states that they can probably go down to about 42 inches, and he advises that it would have a black chain link fence on top of it. Mr. Savage states that there will be additional buffering from plantings and Mr. Inglesino agrees to add plantings as a condition. Councilman Roman requests to add to conditions that wall is to be reduced to 42 inches if allowed by code & Mr. Inglesino agrees. Deputy Mayor McEvoy asks for a restriction against road access to Montclair, now or in the future, from this site can be made a condition. Mr. Inglesino agrees to no road access to Montclair. Mr. Lilley asks if the height of the light poles on the top of the

parking deck are being added to the conditions & the covers on the lights between the decks. Mr. Mascera advises that as part of the application that has been included and Mr. Inglesino states that both of those issues have been resolved & are part of the official plan. Chair Pearson asks about the decorative grates to help dim the light from the parking deck and Mr. Inglesino responds that the grates are included in the plans as well. Chair Pearson asks each member of the Board & the Engineers if they have anything more to add or any questions. Mr. Bernardo, Mr. Katzeff, Mr. Lilley, Mr. DeOld, Mr. Camuti, Councilman Roman & Deputy Mayor McEvoy are satisfied. Mr. Ten Kate & Dr. Gonzalez have nothing further at this time.

Mr. Mascera states that there will be 3 variances and 1 deviation/waiver. Chair Pearson asks was there any conclusion on the potential for Title 39, for parking in the main driveway. It was brought up at the 12/01/22 meeting. Mr. Mascera states that it was never resolved. Mr. Inglesino responds that it isn't an issue for the Planning Board because it was brought up by the municipality. Mr. Mascera states that it can be made a condition. Mr. Inglesino responds that it is ultra virus to issue a condition on Title 39 and that it has nothing to do with this. Mr. Mascera states that the Board has the right to impose conditions, historically they have done it, but that he can continue the conversation with Mr. Inglesino outside of this meeting. Mr. Ten Kate suggests that he can make a recommendation that the Council should include it. Mr. Mascera agrees. Chair Pearson asks if there are any further additions to the list. None are proposed by the Board or Engineers.

Chair Pearson calls for a short break at 8:48 pm. The meeting is called back to order at 8:55 pm.

Mr. Mascera we will be modifying condition #25 – the applicant will comply with Section 4.3 of the redevelopment agreement, as well as all other relevant sections. Chair Pearson adds "...and any other conditions that may apply".

Chair Pearson opens the floor for public participation in regard to this application.

Chris Reilly, Verona resident – Mr. Riley has comments on Condition #3 where it states that there is to be no left turn onto Sunset Ave. from the main driveway AND no right into the main driveway from Sunset. He says that it should apply to both driveways. Mr. Mascera agrees & states that he will make that change to the language. Mr. Riley asks if the evergreen is being kept. It is very important to one of his neighbors, who was unable to attend the meeting, but lives across the street from the property. Mr. Mascera responds that he will look into it. Mr. Riley commends the Board and applicant for their work on the project. He states that he likes the architectural design. He is happy with the way the water runoff has been addressed & his concerns have been minimized in that regard. Mr. Riley states that he still has concerns about the traffic. He states that there are 145 homes in the Afterglow section, this development will add 200 more, it is a large increase. He has never seen 10 cars get in or out in 1 cycle of the traffic light. He is concerned about the congestion at the intersection, as well as the potential danger to pedestrians. He is worried about Sunset being used as a cut thru and overall doesn't feel that the traffic issues have been well addressed. Mr. Riley stated that he hopes that a turning arrow will be installed by the county and asks that our Board Members that are also Council Members look into having a turning arrow added to help manage the traffic better. He feels that the plans in regard to flooding are good. He doesn't have concerns as far as hurricanes or the sewage system personally, because or where his home is located, but he knows that some of his neighbors do. He asks if it is a town or an applicant issue because it is already bad in some spots and may get worse with the additional of the extra sewage and water. He is worried about the water pressure & electricity being sufficient for the area with the addition of the development. Mr. Riley states that while he likes the landscape plans he hopes that the new plantings will be maintained and will be replaced if they don't survive more than a couple of years. In conclusion, he commends Chair Pearson for her advocacy throughout this process. He hopes that the Board will conduct an after action review and learn from this experience and apply it to projects like this that come before them in the future. Chair Pearson asks if it was the owner, Mr. Schwartz that mentioned what was planned for the evergreen near Sunset. Mr. Riley stated that it was the owner/operator. Mr. Mascera states that he believes that it was a representative of the company, not Mr. Schwartz, but he will look into it.

Ken Berger, C.E.O. of Spectrum 360 & former Verona resident – Mr. Berger introduces himself and provides some history on his organization. Spectrum 360 is a charitable nonprofit that assists people with Autism. The building at 1 Sunset has been home to them for 24 years and it was donated to them. As the needs of the students that they cater to have changed, they now find that they are in need of a larger space and have secured one in Livingston. In order to purchase the new building, Mr. Berger states that Spectrum360 took out a bridge loan. He continues, stating that by the time the sale of 1 Sunset is complete they will have spent \$1.5 million in carrying costs and this is putting the organization in a difficult spot. He asks the Board to agree to approve the application tonight.

Chair Pearson asks if there are any further questions or comments from the public. Seeing none, she closes this portion of the meeting.

Mr. Inglesino thanks the Board for their work on this application. Verona Sunset Urban Renewal Development will be a 200 unit multifamily inclusionary development. He lists the amenities: pool, dog run, etc. Of the total units 185 will be market rate & 15 affordable housing units. He states that they are asking for 1 waiver: Plan Sheet Size 30 x 42 where it typically a maximum of 24 x 36. He states that there are 3 additional variance nonconformities: 1) Parking in Front Yard Variance, 2) Retaining Wall in Front Yard & 3) Wall at Basin C. This project stems from the Affordable Housing Settlement Agreement between the Township & the current owner Spectrum 360 LLC. Section 14 of the Agreement states that the Township will cooperate with the applicant to secure all approvals for the project. The Township entered into a Redevelopment agreement with the applicant requiring a payment of \$3.25 million to Verona’s Affordable Housing Trust Fund. The applicant is very excited about this project, and is looking to develop a high end product for the community. After the extensive testimony & many conditions of approval, they are asking for the Board to approve this application. Mr. Inglesino thanks the Chair, the Board, the professionals & staff for their work on this application and he states that his presentation is concluded.

Mr. Mascera advises that the Chairperson should either poll the Board or go right to vote on the application. Chair Pearson asks the opinion of each Board Member before asking for a motion. Mr. Bernardo, Mr. Katzeff, Mr. Lilley, Mr. DeOld are all in favor. Mr. Camuti is in favor but asks what is going to be voted on? The site plan and the conditions? Mr. Mascera responds the site plan & the conditions as presented. Deputy Mayor McEvoy thanks Mr. Riley for his comments. He advises that the county is going to be working on the traffic on Bloomfield Avenue beginning in 2024 (they stopped at Montclair last year) so at that time light timing and a turning lane for Sunset & Bloomfield can be looked at. Additionally, he will be voting in favor. Councilman Roman thanks the residents who offered input, the applicant, all the professionals & the Board Members. He states that he will be voting in favor. Chair Pearson thanks the public & members of the neighborhood for their input. She is still concerned about traffic and stormwater, but is relying on the professionals to ensure that whatever updates they receive will be checked to ensure that the system will work. She will be voting in favor. Chair Pearson asks for a motion.

Chair Pearson asks for a motion to approve the application. Mr. DeOld makes a motion to approve the application as modified with conditions & variances, Councilman Roman seconds. A roll call vote is taken.

Votes in the Affirmative

- Mr. Katzeff
- Mr. Lilley
- Mr. Camuti
- Mr. DeOld
- Deputy Mayor McEvoy

- Councilman Roman
- Chair Pearson

- Mr. Jacobsen

Recused

- Mr. Bernardo

Absent Members

- Vice Chair Freschi
- Mr. Hyndman

There were no votes against. The motion passes and the application is approved.

NEW BUSINESS

Acting Board Secretary Maccarelli introduces Ms. Kathleen Miesch to the Board. Beginning at the next meeting, September 28, 2023, Ms. Miesch will be the new Board Secretary responsible for taking the Minutes & recording votes.

EXECUTIVE SESSION

Adjourn

After a motion made by Chair Pearson and seconded by Councilman Roman, there was a unanimous vote to adjourn at 9:47 PM.

Respectfully submitted,

Marcie Maccarelli
Acting Planning Board Secretary

PLEASE NOTE: Meeting minutes are a summation of the hearing. If you are interested in a verbatim transcript from this or any proceeding, please contact the Planning Board office at 973-857-5246.