

**MINUTES OF THE VERONA
PLANNING BOARD MEETING**

Thursday, September 28, 2023

Present:

Chairperson Jessica Pearson
Vice Chair David Freschi
Councilman Alex Roman
Deputy Mayor Jack McEvoy
Mr. Tim Camuti
Mr. Al DeOld
Mr. Jesse Lilley

Mr. Jeremy Katzeff
Mr. Chris Bernardo
Mr. Jason Hyndman*
Mr. Tom Jacobsen
Mr. Greg Mascera, Planning Board Attorney
Ms. Kathleen Miesch, Board Secretary

*Mr. Hyndman arrived at 7:50 PM

CALL TO ORDER

Meeting called to order at 7:36 by Chair Pearson.

Absent from the meeting: Mr. Ten Kate

Pledge of Allegiance

Open Public Meetings Act Statement is read by Chair Pearson

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.

Approval Minutes

Chair Pearson asks if all Board Members have read and received the minutes for the August 24, 2023 Planning Board meeting and if there are any comments or corrections. Hearing no corrections Chair Pearson asks for a motion to approve the minutes for the regular meeting held August 24, 2023. Deputy Mayor McEvoy makes the motion, Mt. Katzeff seconds.

Votes in the Affirmative

Absent Members

Abstain

Mr. Katzeff
Mr. Lilley
Mr. Camuti
Mr. DeOld
Deputy Mayor McEvoy
Councilman Roman
Chair Pearson

Mr. Hyndman*

Vice Chair Freschi
Mr. Jacobsen

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

Resolutions

Resolution 2023-15:

Chair Pearson asks for a motion to approve **Resolution 2023-15** appointing Kathleen Miesch Planning Board Secretary for a term commencing on September 1, 2023 and expiring on June 30, 2024. Mr. Camuti makes the motion. Mr. Lilley seconds.

Votes in the Affirmative

Absent Members

Abstain

Mr. Jacobsen
Mr. Katzeff
Mr. Lilley
Mr. Camuti
Mr. DeOld
Deputy Mayor McEvoy
Vice Chair Freschi
Councilman Roman
Chair Pearson

Mr. Hyndman*

Resolution passes and is approved and memorialized.

Resolution 2023-14:

Chair Pearson asks for motion to approve **Resolution 2023-14**, granting Verona Sunset Urban Renewal, LLC a Preliminary and Final Major Site Plan approval for 1 Sunset Avenue (Block 303, lot 4) with the stated conditions. Chair Pearson asks for someone to move the Resolution. Mr. Katzeff moves and Councilman Roman seconds.

Chair Pearson asks if the Board has anything for discussion or questions.

Mr. Camuti stated that one de minimis item that he found was where it mentions AirBnB specifically, that he recollected that the Board discussed using a generic term. On page 16, item 17 "No rental shall be short term AirBnB rentals ..." the AirBnB is specific. Should the resolution include other types of short term rentals? Councilman Roman stated that both

terms are in there as short term or AirBnB. Councilman Roman suggested striking AirBnB and keeping no short term rentals. Chair Pearson recalls discussing it and suggests keeping AirBnB in parenthesis and adding “or like that” or “not limited to”.

Mr. Mascera concurs with changing the verbiage to “such as AirBnB, but not limited to”. Board agrees to change. Councilman Roman suggests a change to item 51, page 18 that the item reflect more specific verbiage of “generators shall be required to be installed with sound attenuation housing”. Chair Pearson verifies with Councilman Roman and he suggests attenuating housing or enclosure. Mr. Mascera advised Ms. Miesch to make the changes to the Resolution reflecting the verbiage “sound attenuating housing”.

Chair Pearson asks if there are any additional comments. Hearing nothing from the Board, the motions made earlier stand and a call for a vote on Resolution 2023-14, granting Verona Sunset Urban Renewal, LLC a Preliminary and Final Major Site Plan approval for 1 Sunset Avenue (Block 303, lot 4) with changes discussed with is made by Chair Pearson.

Discussion on voting eligibility and determination that Mr. Bernardo has no right to comment, vote or abstain since he was not involved in the approval of the application prior to resolution.

Votes in the Affirmative

Mr. Katzeff
Mr. Lilley
Mr. Camuti
Mr. DeOld
Deputy Mayor McEvoy
Councilman Roman
Chair Pearson

Absent Members

Mr. Hyndman*

Abstain

Mr. Jacobsen
Vice Chair Freschi

Resolution is approved and memorialized.

Mr. Mascera states that for the record Kathleen Miesch will make the changes discussed to the resolution and that document will be executed.

Chair Pearson states for the record that Resolution 2023-14, granting Verona Sunset Urban Renewal, LLC a Preliminary and Final Major Site Plan approval for 1 Sunset Avenue (Block 303, lot 4) with changes discussed has passed.

Resolution 2023-16:

Chair Pearson advises that the last item on the agenda is passing Resolution 2023-16 which is going into Executive Session. Vice Chair Freschi is asked to take over as Chair Pearson will abstaining from the vote and recusing from the executive session.

Mr. Mascera advises that there is resolution that needs to be read aloud and voted on and then the meeting will be closed to public.

Vice Chair Freschi asks for a motion for Resolution 2023-16 permitting items to be discussed in Executive Session regarding DMH2 LLC v Planning Board of Verona Township. A motion was made by Councilman Roman and seconded by Mr. Camuti.

Vice Chair Freschi reads Resolution 2023-16 aloud. Chair Pearson and Deputy Mayor McEvoy abstained all others present vote in favor.

*Mr. Hyndman arrived at 7:50 PM.

Votes in the Affirmative

Mr. Jacobsen
Mr. Katzeff
Mr. Lilley
Mr. Camuti
Mr. DeOld
Councilman Roman
Vice Chair Freschi

Absent Members

Abstain

Mr. Hyndman
Deputy Mayor McEvoy
Chair Pearson

Chair Pearson is recusing herself from the Executive Session. Deputy Mayor McEvoy is abstaining and recusing himself from the Executive Session due proximity of the property.

Public portion is closed at 7:52 PM by Vice Chair Freschi and the meeting will reopen upon closing of the Executive Session.

Executive Session

Executive session was called to order at 7:52 PM by Vice Chair Freschi and ended at 8:38 PM.

The public portion of the meeting resumed by Vice Chair Freschi at 8:39 PM.

Adjourn

Seeing no new business, Vice Chair Freschi asks for a motion to adjourn. Mr. Camuti makes the motion and Mr. Hyndman seconds. There was a unanimous agreement to adjourn the meeting at 8:40 PM.

Respectfully submitted,

Kathleen Miesch
Verona Township
Secretary – Planning Board

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 Zoning Office at 973-857-5246.

RESOLUTION NO. 2023-14

PLANNING BOARD OF THE TOWNSHIP OF VERONA

RESOLUTION GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL FOR 1 SUNSET AVENUE (BLOCK 303, LOT 4)

WHEREAS, Verona Sunset Urban Renewal, LLC (the “Applicant”) has applied to the Planning Board of the Township of Verona (the “Board”) seeking preliminary and final major site plan approval for the property designated as Block 303, Lot 4 on the Township of Verona’s official Tax Map, more commonly referred to as 1 Sunset Avenue, Verona, New Jersey (the “Property”), to construct an inclusionary multi-family residential development consisting of 200 units in one building, a structured parking garage, parking spaces, landscaping, lighting, stormwater management facilities, and site infrastructure; and

WHEREAS, the Property is located in the Township’s A-1RA Multi-Family Mid-Rise Redevelopment Zone; and

WHEREAS, a complete application has been filed, the fees as required by Township ordinance have been paid, and the jurisdiction and powers of the Board have been properly invoked and exercised; and

WHEREAS, the Board has examined the application and accompanying exhibits, held public meetings, received testimony from and/or on behalf of the Applicant and its professionals, and considered arguments of counsel, has considered the comments and recommendations of the Township staff and other consultants called upon and has applied for its own collective local knowledge; and

WHEREAS, the Board held and conducted public hearings on August 25, 2022; September 22, 2022; October 27, 2022; December 1, 2022; February 23, 2023; March 16, 2023; March 23, 2023; April 27, 2023; June 7, 2023; June 22, 2023; July 27, 2023; and August 24, 2023, at which time the Applicant was represented by counsel; and the general public and any interested parties were given the opportunity to be heard, and the Board having heard and considered questions and comments from the members of the public who wished to be heard; and

WHEREAS, the necessary Township agencies and/or outside consultants have reviewed this application and have provided reports, which reports are incorporated herein and made a part hereof by reference as if set forth at length and verbatim in conjunction with this application as if set forth verbatim; and

WHEREAS, the Applicant was represented by John P. Inglesino, Esq. of Inglesino Taylor, 600 Parsippany Road, Suite 204, Parsippany, New Jersey 07054.

WHEREAS, in support of the application, the Applicant filed the following application materials, plans, and reports, including:

1. Application cover letter signed by John P. Inglesino, Esq. dated June 7, 2022.
2. Application signed by Jonathan Schwartz, Member of BNE Real Estate Group, dated June 7, 2022.
3. Preliminary and Final Major Site Plan prepared by Matrix New World, dated May 10, 2022, last revised August 7, 2023.
4. Architectural Plans prepared by Minno and Wasko, dated November 18, 2021, last revised May 5, 2023.
5. Materials Book prepared by Minno and Wasko, dated December 17, 2021.
6. Landscape Architectural Plans prepared by Linda Tycher & Associates, dated December 15, 2021, last revised May 5, 2023.
7. Boundary and Topographic Survey prepared by Matrix New world, dated September 12, 2019, revised October 14, 2019, further revised November 17, 2021.
8. Stormwater Facilities Operations and Maintenance Manual prepared by Matrix New World, dated December 10, 2021, revised May 10, 2022, further revised May 5, 2023.
9. Stormwater Management Report prepared by Matrix New World, dated December 10, 2021, last revised August 8, 2023.
10. Traffic Impact Study prepared by Stonefield Engineering, Inc., dated October 24, 2022, revised May 3, 2023.
11. Response Letter prepared by Matrix New World, dated January 16, 2023.
12. 43.8 Ft Verona Fire Truck Turning Plan prepared by Matrix New World, dated November 2, 2022; resubmitted and dated January 11, 2023.

13. 43.8 Ft. Verona Fire Truck Turning Plan (Modified Circle into Front-Yard Setback) prepared by Matrix New World, dated November 2, 2022.
14. 40 Ft. Pumper Truck Turning Plan prepared by Matrix New World, dated November 2, 2022; resubmitted and dated January 11, 2023.
15. Truck Turning Plan (Other Trucks) - Lower Parking prepared by Matrix New World, dated November 2, 2022; resubmitted and dated January 5, 2023.
16. UPS Truck Turning Exhibit prepared by Matrix New World, dated December 21, 2022.
17. Aerial Exhibit -05- Geometry Plan prepared by Matrix New World, dated October 26, 2022.
18. Proposed Aerial Exhibit 05-Geometry Plan prepared by Matrix New World, dated October 26, 2022.
19. Garage Grills Sheet A-11-1 prepared by Minno and Wasko, dated October 27, 2022.
20. 2020-2021 Verona Water Bills dated September 28, 2022.
21. Utility Demand Calculation Work Sheet - Sewer Demands prepared by BNE Real Estate Group, dated September 26, 2022.
22. Utility Demand Calculation Work Sheet - Water Demands prepared by BNE Real Estate Group, dated September 26, 2022.
23. Response Letter prepared by Minno and Wasko, dated February 6, 2023.
24. Plan Revision Outline prepared by Verona Sunset Urban Renewal, LLC, dated February 1, 2023.
25. Transcript Review Memorandum prepared by Inglesino Taylor, dated March 15, 2023.
26. Applicant Response to March 21, 2023 Stormwater Engineering Review Memorandum prepared by Inglesino Taylor, dated March 23, 2023.
27. Architectural Plan Revision Summary prepared by Linda Tycher & Associates, dated April 3, 2023.

28. Landscape Plan Engineer Review Letter prepared by Boswell Engineering, dated April 17, 2023.
29. Soil Erosion and Sediment Control Plan Certification Letter prepared by the Hudson-Essex-Passaic Soil Conservation District, dated April 11, 2023.
30. Architectural Plan Revision Summary prepared by Minno and Wasko, dated May 9, 2023.
31. Landscape Architectural Plan Revision Summary prepared by Linda Tycher & Associates, dated May 5, 2023.
32. Site Plan Revision Summary prepared by Matrix New World, dated May 4, 2023.
33. Existing Pipe Calculations prepared by Bentley Systems, Inc., dated March 22, 2023.
34. Proposed Pipe Calculations prepared by Bentley Systems, Inc., dated March 22, 2023.
35. Post-Development Drainage Area Map prepared by Matrix New World, dated March 22, 2023.
36. Pre-Development Drainage Area Map prepared by Matrix New World, dated March 23, 2023.
37. Response Letter prepared by Matrix New World, dated May 8, 2023.
38. Sanitary Sewer Report & Technical Specifications for Verona Sunset Urban Renewal, LLC prepared by Matrix New World, dated March 10, 2023.
39. Traffic Assessment Report prepared by Stonefield Engineering, dated May 9, 2022.
40. Essex County Planning Board Site Plan Application.
41. First Amended and Restated Settlement Agreement between the Township and Spectrum360, LLC, dated January 31, 2020.

42. Order of Fairness issued by the Honorable Robert H. Gardner, J.S.C. in the Matter of the Township of Verona, ESX-L-4773-15, dated September 15, 2021.
43. Redevelopment Agreement between the Township and Verona Sunset Urban Renewal LLC, dated January 17, 2022.
44. Conceptual Sections Plan prepared by Minno and Wasko, dated September 24, 2021.
45. Conceptual Unit Plans prepared by Minno and Wasko, dated September 24, 2021.
46. Lighting Plan Exhibit prepared by Matrix New World, dated October 27, 2022.
47. Building Elevations prepared by Minno and Wasko, dated November 18, 2021, revised May 12, 2022, further revised October 27, 2022.
48. Bioretention Basin Permeability Memorandum prepared by Matrix New World, dated June 14, 2023.
49. Grading and Drainage Exhibit prepared by Matrix New World, dated June 27, 2023.
50. Preliminary Geotechnical Assessment Report prepared by Matrix New World, dated October 2019, revised June 2023.
51. Response to the Engineer Review Letter prepared by Boswell Engineering, prepared by Matrix New World, dated July 5, 2023.
52. Response to the July 25, 2023 Boswell Letter, prepared by Matrix New World, dated August 11, 2023.
53. Pre- and Post-Dev. Hydrographs Memorandum prepared by Matrix New World, dated August 7, 2023.
54. Runoff Volume Memorandum prepared by Matrix New World, dated July 31, 2023.
55. Stormwater Report Memorandum prepared by Matrix New World, dated August 7, 2023.
56. Site Plan Revisions Memorandum prepared by Matrix New World, dated August 9, 2023.

57. Sunset Ave (DA-2) Memorandum prepared by Matrix New World, dated August 24, 2023.

WHEREAS, in support of the application, the Applicant presented testimony from the following individuals:

Jonathan Schwartz BNE Real Estate Group	Applicant's Principal
Matthew Seckler, PE Stonefield Engineering & Design	Applicant's Traffic Engineer
Sean Savage, PE Matrix New World	Applicant's Civil Engineer
Lynda Tycher, LA Linda Tycher & Associates, Inc.	Applicant's Landscape Architect
Jack L. Raker, RA Minno & Wasko	Applicant's Architect

WHEREAS, the following Exhibits were marked into evidence, and are hereby corrected, as follows:

Transcript Designation	Corrected Designation	Hearing	Description
Exhibit A-1	Exhibit A-1	September 22, 2022	First Amended and Restated Settlement Agreement, dated January of 2022
Exhibit A-2	Exhibit A-2	September 22, 2022	Order, dated September 15, 2021
Exhibit A-3	Exhibit A-3	September 22, 2022	Redevelopment Agreement
Exhibit A-4	Exhibit A-4	September 22, 2022	Colorized Architectural Plan
Exhibit A-5	Exhibit A-5	October 27, 2022	Aerial Exhibit
Exhibit B-1	Exhibit B-1	October 27, 2022	Letter, 7/11/2022
Exhibit B-2	Exhibit B-2	October 27, 2022	Letter, 8/16/2022
Exhibit A-6	Exhibit A-6	December 1, 2022	43.8 Foot Truck Turning Drawing
Exhibit A-7	Exhibit A-7	December 1, 2022	Truck Turning Plan
Exhibit A-8	Exhibit A-8	December 1, 2022	Lighting Plan
Exhibit A-9	Exhibit A-9	December 1, 2022	Balcony Prohibition Plan

Exhibit A-10	Exhibit A-10	December 1, 2022	Garage Grills Sheet A-11.1
Exhibit A-11	Exhibit A-11	December 1, 2022	Conceptual Sections
Exhibit A-1	Exhibit A-12	February 23, 2023	Deliveries at the Door Exhibit
Exhibit A-2	Exhibit A-13	February 23, 2023	Fire Truck Exhibit
Exhibit A-3	Exhibit A-14	February 23, 2023	Truck Turning Plan
Exhibit A-1-427	Exhibit A-15	April 27, 2023	Landscape Plans Slide 1
Exhibit A-2-427	Exhibit A-16	April 27, 2023	Swimming Pool Courtyard Plan
Exhibit A-3-427	Exhibit A-17	April 27, 2023	Passive Courtyard Plan
Exhibit A-4-427	Exhibit A-18	April 27, 2023	Quiet Courtyard Plan
Exhibit A-5-427	Exhibit A-19	April 27, 2023	Site Amenities
Exhibit A-6-427	Exhibit A-20	April 27, 2023	Landscape Planting Plan
Exhibit B-1	Exhibit B-3	April 27, 2023	Letter from Boswell Engineering dated April 17, 2023

WHEREAS, the Board received reports from Township staff and consultants as follows:

Description	Comment	Result
Architectural Plan Construction Official Review Letter prepared by Thomas Jacobsen, dated July 11, 2022.	Various comments, recommendations	Applicant has and/or will comply
Memorandum prepared by the Verona Environmental Commission, dated August 3, 2022.	Various comments, recommendations	Applicant has and/or will comply
Completeness Review prepared by Bright View Engineering, dated August 16, 2022.	Various comments, recommendations	Applicant has and/or will comply
Review of Supplemental Traffic Study prepared by Bright View Engineering, dated November 28, 2022.	Various comments, recommendations	Applicant has and/or will comply
Engineer Review Letter prepared by Boswell Engineering, dated February 16, 2023.	Various comments, recommendations	Applicant has and/or will comply
Stormwater Engineer Review Memorandum prepared by Boswell Engineering, dated March 21, 2023.	Various comments, recommendations	Applicant has and/or will comply
Engineer Review Letter prepared by Boswell Engineering, dated June 1, 2023.	Various comments, recommendations	Applicant has and/or will comply
Stormwater Engineer Review Letter prepared by Boswell Engineering, dated June 6, 2023.	Various comments, recommendations	Applicant has and/or will comply
Stormwater Management Review prepared by Boswell Engineering, dated July 25, 2023.	Various comments, recommendations	Applicant has and/or will comply

Stormwater Management/Site Plans Review prepared by Boswell Engineering, dated August 18, 2023	Various comments, recommendations	Applicant has and/or will comply
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WHEREAS, the Board makes the following findings with regard to the Application:

1. The Property is an irregularly shaped lot with frontage on Sunset Avenue to the north, Bloomfield Avenue (CR 506) to the east, and Afterglow Avenue to the west. A portion of the overall site (Block 301, Lot 5 and Block 401, Lot 1) is located to the east in the Township of Montclair, although no development approvals are sought from this Board in connection with any development in the Township of Montclair.
2. The Property is currently developed with a Spectrum360 and Academy360 Lower School facility with associated parking lot, playgrounds, and basketball area.
3. The site is located in the A-1RA Multi-Family Mid-Rise Redevelopment Zone. It is bordered to the north and west by R-70 Residential Single-Family Low-Density Zone, to the east by A-1R Multi-Family Low Rise Redevelopment Zone, and to the south by R100 Residential Single-Family Very Low-Density Zone.
4. The Applicant is proposing to construct an inclusionary multi-family residential development consisting of 200 units in one (1) building, 381 parking spaces, landscaping, lighting, stormwater management facilities, and other site infrastructure.
5. The Applicant proposes 381 parking spaces, consisting of 373 interior garage spaces, and 8 exterior surface parking spaces.
6. The Property is the subject of a First Amended and Restated Settlement Agreement by and between Spectrum360, LLC and the Township of Verona, dated January 31, 2020, which was approved by Order of the Superior Court dated September 15, 2021.
7. The Applicant’s project is a critical component of the Township’s Court-approved Mt. Laurel settlement agreement.
8. By Resolution No. 2019-140 adopted on August 19, 2019, the Verona Township Council (the “Council”) designated Block 303, Lot 4, commonly known as 1 Sunset Avenue, as a non-condemnation area in need of redevelopment (the

“Redevelopment Area”) in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”).

9. By the adoption of Ordinance No. 2021-01 on March 8, 2021, the Council duly adopted a redevelopment plan for the Redevelopment Area entitled, “The Sunset Avenue Redevelopment Area Redevelopment Plan”, which was thereafter amended by the adoption of Ordinance No. 2021-14 on June 21, 2021 (as the same may be further amended and supplemented from time to time, the “Redevelopment Plan”).
10. The Applicant is the contract purchaser of the Property and designated redeveloper. On or about January 17, 2022, the Applicant and the Township entered into a redevelopment agreement dated January 17, 2022 regarding the proposed development of the Property (the “Redevelopment Agreement”).
11. Pursuant to Section 4.8 of the Redevelopment Agreement, prior to submitting the Application to the Board, the Applicant submitted its development plans to the Township Council for a consistency review.
12. Pursuant to Council Resolution No. 2022-092, memorialized on or about April 25, 2022, the Council determined that the Applicant had satisfied the consistency review requirements in the Redevelopment Plan and the Redevelopment Agreement.
13. The Application was then filed with the Board on or about June 7, 2022. The Application was deemed complete by the Board via letter dated July 18, 2022, and scheduled for a public hearing on August 25, 2022.
14. At the August 25, 2022 hearing, no testimony was provided. The Board and the Applicant discussed the format of the hearings on the Application, ultimately opting for an in-person meeting format. The Application was then carried to the Board’s September 22, 2022 hearing.
15. At the September 22, 2022 hearing, the Applicant presented the testimony of Sean Savage, PE, the Applicant’s civil engineer, and Jack Raker, RA, the Applicant’s architect. Mr. Savage testified as to the Property’s existing and proposed conditions. Mr. Savage also explained the configuration of the two (2) entrances to the site and the drop-off loop as well as the lot coverage and setback conditions. Mr. Savage also explained the Applicant’s plan to connect utilities to serve the Property, as well as the sanitary sewer line. He noted the locations of the parking stalls and the loading area on the property, as well as the location of the trash receptacles. Mr. Raker provided testimony regarding the architectural components of the project,

including the indoor layout of the buildings and dwelling units, as well as the locations and functions of utilities and amenities such as trash receptacles and mailboxes. Mr. Raker also testified to the high quality of the materials to be used in the construction. Additionally, Mr. Raker provided testimony regarding the garage, the parking spaces therein, the basement area, and the utility room. At the close of the meeting, the Application was carried to the Board's October 27, 2022 hearing.

16. At the October 27, 2022 hearing, the Applicant re-called Mr. Savage and Mr. Raker to testify. Mr. Raker provided supplementary testimony, addressing the open questions from the September 22, 2022 hearing. Mr. Raker provided testimony relating to the location of the low and moderate units on the property and presented visual aids in connection with the same. The Application was then carried to the Board's December 1, 2022 meeting.
17. At the December 1, 2022 hearing, the Board heard testimony from Mr. Savage and Mr. Raker. Mr. Savage provided testimony regarding the garage lighting plan and the truck turning exhibits submitted to the Board. Mr. Savage noted that the largest fire truck of the Verona Fire Department could not make a full turn in the drop off loop but would instead have to reverse for a short distance in order to circumnavigate the loop. Alternatively, the Applicant could widen the site driveway slightly, but such a modification would result in an encroachment to the setback and buffer areas and trigger a bulk variance. The Board notes that, requiring a firetruck to reverse in order to negotiate a drop off loop does not violate nor implicate any provision of the Uniform Construction Code ("UCC"), the Residential Site Improvement Standards ("RSIS"), nor the zoning for the subject Property. Following Mr. Savage's testimony, Mr. Raker was recalled to the stand and testified regarding the floor plans for the project. The Application was then carried to the Board's February 23, 2023 meeting.
18. At the February 23, 2023 hearing, the Applicant presented the testimony of its traffic expert, Matthew Seckler, PE of Stonefield Engineering & Design, and introduced the testimony of Jonathan Schwartz, the Applicant's principal. Mr. Seckler described the methodology associated with the Applicant's Traffic Impact Study. Mr. Seckler described the traffic conditions of the Property's surrounding roadway network and presented the traffic counts his firm had undertaken. Mr. Seckler opined that the proposed development would reduce overall peak traffic in the vicinity of the site and shift the peak traffic hours to the evening, whereas the current peak traffic hours occur in the afternoon at the school's dismissal time, from 2:30 PM to 3:30 PM. Mr. Seckler further discussed the timing of the traffic lights, which are controlled by the County of Essex, and their effect on the traffic around the site, as well as whether vehicles would be permitted to make left turns onto

Sunset Avenue when leaving the site, a stipulation that the Board had previously requested. Mr. Seckler also discussed the turning radii of vehicles, such as delivery trucks, on the Property, specifically 48-foot firetrucks. Mr. Seckler verified that firetrucks were able to turn within the property.

19. At the February 23, 2023 hearing, Mr. Schwartz provided operational testimony, specifically addressing issues relating to the personnel, management, and operation of the site. Mr. Schwartz detailed the internal trash collection disposal process for the project. Mr. Schwartz also testified that the Applicant's generators would be tested once a week, and that a pool management company would perform the maintenance on the pool. Mr. Schwartz discussed the amenities that would be provided, but qualified that the amenities had not yet been fully programmed. Mr. Schwartz also clarified that there would be approximately nine (9) planned visitor parking spots. The Applicant was then carried to the Board's March 16, 2023 meeting.
20. At the March 16, 2023 hearing, the Applicant recalled Mr. Schwartz and Mr. Savage. Mr. Schwartz supplemented his testimony regarding trash disposal and recycling on the property. Mr. Schwartz also testified to the landscaping scheduling and general maintenance of the grounds. Mr. Schwartz also briefly addressed blasting regulations and stipulated that the Applicant would comply with applicable regulations. Mr. Savage provided testimony on the modifications to the civil plans since the previous meeting, specifically highlighting the addition of a bioretention basin and changes to the lighting plan. Mr. Savage provided testimony regarding the grading of the parking lot, noting that the grading would meet applicable standards. Mr. Savage also stipulated that the Applicant would record a standard deed notice for the permeable paver section of the parking lot, as well as the swales and bioretention basins, as a condition of approval.
21. At the March 23, 2023 hearing, the Applicant again re-called Mr. Savage and Mr. Raker. Mr. Savage addressed and responded to the engineering letter submitted by Boswell Engineering, dated March 21, 2023. Mr. Savage provided responses to the issues raised in the letter, specifically relating to stormwater runoff and capacity requirements. There was substantial discussion regarding the necessity for a downstream analysis, which is part of the analysis associated with a Treatment Works Approval application ("TWA"), which the Applicant later agreed to undertake.
22. At the April 27, 2023 hearing, the Board heard testimony from Linda Tycher, LA, the Applicant's landscape architect. Ms. Tycher provided testimony regarding tree removal on the property, as well as the introduction of diversity to the plant palette.

Ms. Tycher also noted that the perimeter fence will be metal decorative. Ms. Tycher also addressed caliper measurements of trees on the Property, as well as the light bollards to be installed on the Property. During this hearing, the Applicant agreed to, as a condition of approval, work with the engineer to provide appropriate buffers for nearby properties. The Applicant agreed to seek to reduce the intensity of the lighting fixtures to 2700K to reduce light spillage on neighboring properties. The Applicant was then carried to the Board's May 25, 2023 meeting.

23. At the May 25, 2023 hearing, the Applicant recalled Mr. Raker to the stand. Mr. Raker provided a summary of the revisions made to the architectural plans, which included details relating to room layouts and EV charging stalls. Mr. Raker noted that there will be a total of 382 parking spaces, with 20 EV parking spaces and 37 EV-ready parking spaces.
24. At the June 7, 2023 hearing, the Applicant again recalled Mr. Savage. Mr. Savage provided testimony regarding the revised stormwater report submitted on May 11, 2023 and addressed the comments provided in the two Boswell Engineering letters. Mr. Savage provided testimony regarding the additional parking spaces in the surface parking lot as well as EV parking spaces. During this meeting, the Applicant stipulated that it would work with the Board engineer to relocate transformers and reduce the wall height on the north side of the building, including offsetting the fencing from the height of the wall by three (3) feet, with minimal loss of vegetation or trees. The Application was then carried to the Board's July 27, 2023 meeting.
25. At the July 27, 2023 hearing, the Applicant re-called Mr. Savage. Mr. Savage provided testimony regarding the revised stormwater management report submitted by the Applicant. As noted by Mr. Savage, the Applicant encountered perched water condition in the areas where the underground detention basins were proposed purportedly due to rainfall events when geotechnical studies were undertaken. As a condition of approval, the Applicant proposed to 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 stormwater design are compliant with NJDEP BMP Manual. The Applicant agreed to resubmit the Stormwater Management Report for review by the Township engineer for approval for compliance with NJDEP and Township Ordinances. During this hearing, the Board also discussed its desire that the Applicant confirm there is adequate water to service the project. In response to this discussion, the Applicant noted that the Township had, in the Settlement Agreement with the Property owner, verified that it had adequate sewer and water to service the project. The Applicant also noted that Verona had temporarily taken its wells offline for servicing through the Fall of 2024 and was, in the interim period, purchasing water from the Passaic Valley Water Commission

("PVWC"). The Applicant had previously issued a letter to the Verona Township Council requesting that it purchase additional water from the PVWC in sufficient quantity so as to permit the Applicant to obtain a water main extension permit from the DEP. The Board recognized that a water main extension permit is an outside agency approval which is beyond the Board's jurisdiction.

26. At the August 24, 2023 hearing, the Board discussed the Stormwater Management/Site Plans Review prepared by Boswell Engineering, dated August 18, 2023. The Applicant addressed Boswell's comments regarding the seasonal high-water table and the stormwater runoff volume calculations. With the Applicant's testimony having closed, the Board opened the Application to public comment and a summation from Applicant's counsel.
27. Following deliberation among the Board, consideration of the testimony provided, the stipulations of the Applicant, and the recommendations of the Board's consultants, the Board unanimously voted to grant preliminary and final major site plan approval to the Applicant.
28. The preliminary and final major site plan approval granted by the Board to the Applicant includes the following variances and waivers:
 - A. Variance for the height of the wall at the Bioretention basin – 6 feet permitted, 7.75 feet allowed (3.75 foot wall height, 4 foot fence height);
 - B. Variance for the height of the front wall – 4 feet permitted, 8 feet allowed (4 foot wall height and 4 foot fence height);
 - C. Variance for front yard parking- no parking permitted, 2 spaces allowed;
 - D. Waiver for size of plans submitted by Applicant to Board.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Verona, on this 28th day of September, 2023, that the action of the Board taken on August 24, 2023 granting Application No. 2022-04 for preliminary and final major site plan approval pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50, respectively, is hereby memorialized, subject to the following conditions:

1. The Applicant must comply with all applicable Township, County, State and Federal Laws, ordinances, regulations, and directives, including without limitation, obtaining all applicable local, state and federal approvals and permits. The Applicant shall confirm, in writing, the necessary agency approvals required as part of the project that is the subject of this application and shall provide a certification, in writing, that all such permits and/or requests for said approvals have been applied

for and/or obtained. Prior to the signing of any approved site plans, the Applicant shall submit proof to the Board Engineer that it has obtained all required governmental approvals and permits required for the project.

2. The Applicant shall be responsible for the submission of any and all revised plans, payment of all legally required fees, charges, escrows, liens, taxes as may be owed to the Township of Verona, and proof of all permits, approvals, and/or waivers of such agencies having jurisdiction thereof.
3. All construction, use and development of the Property shall be in conformance with the plans approved herein, all representations of the Applicant and its witnesses during the public hearing, all exhibits introduced by the Applicant, and all terms and conditions of this Resolution. Prior to the commencement of any land disturbance or construction permitted by this approval, the Applicant shall have submitted and received approval for all corrections, amendment and/or additions to the filed plan and reports required by this approval.
4. One set of the revised plans and reports incorporating all additions, amendments and corrections made a part of this approval as indicated during testimony and as required by the Board, the Board's professionals and/or any other agency having jurisdiction in the matter shall be submitted to each of the Board's Administrative Officer, Board Engineer and the Board Planner. All changes from the previously filed plans shall be clearly identified.
5. The Board's approval is expressly subject to the agreement of the Applicant that it will comply with all of the conditions set forth herein, and will cooperate in good faith with the Township to comply with the spirit and intent of the approval of this Resolution.
6. If the Applicant desires to make any further changes to the plans, regardless of whether any such change(s) is material or non-material, the Applicant shall request approval of the change(s) by written application to the Board's Administrative Officer, which application shall clearly identify each change proposed. Material changes will be presented to the Board pursuant to the MLUL.
7. The Applicant shall be bound to comply with the representations made before this Board by the Applicant and its professionals and the conditions imposed by the Board at the public hearing and the same are incorporated herein and are representations upon which this Board has relied in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of this approval.

8. The Applicant shall comply with all applicable local and State regulations concerning the intensity and character of odors, emissions and air quality/pollution, including but not limited to N.J.A.C. 7:27-1 *et seq.*
9. Prior to the commencement of construction, the Applicant shall provide the Board Engineer with all design calculations for the retaining walls, including:
 - a. Cubic yards of fill to be imported,
 - b. Excepting cubic yards of screened topsoil,
 - c. Source of materials,
 - d. Certification to satisfy the township engineer that such soil/fill is clean and free of chemical, biological, or radiological contaminants in accordance with applicable residential soil standards promulgated by the NJDEP.
10. The Applicant shall comply with the requirements of the Redevelopment Agreement.
11. If fill is required for this development, the Applicant shall comply with all applicable Township, State, and Federal regulations related to fill material.
12. All retaining walls constructed on site will require a certification by a licensed engineer that he/she has provided on-site inspection during wall construction and that proper methods were utilized in the construction.
13. All ADA pedestrian facilities constructed on site and within public rights-of-ways or easements be constructed in accordance with Federal ADA Standards, including ramps located at intersections as well as driveways and parking lots. Compliant Design and Construction Certifications for Pedestrian Facilities within travel rights-of-way must be completed and submitted to the Municipal Engineer.
14. The Applicant shall conduct a video inspection of the entire existing sanitary sewer main that runs from the intersection of Afterglow Way with Sunset Avenue and shall also inspect the sanitary sewer main located within Afterglow Way to ensure that the line and main are in satisfactory condition with no visible defective condition that would adversely impact service.
15. The Applicant shall prohibit the future addition of wireless telecommunication antennas on the roof beyond what is existing and contemplated in the submitted plans and further shall prohibit such antennas on the entire eight acre tract on which the project is located.

16. The Applicant shall work with the Board engineer to develop appropriate screening of the parking area, within reason.
17. No units shall be short term rentals (such as AirBnB, but not limited to AirBnB) by management, owners, or lessees.
18. No units will be sublet by tenants.
19. Left turns onto Sunset Avenue from the site driveway and right turn entry into the driveway from Sunset Avenue are prohibited.
20. The Applicant shall incorporate sidewalks along Sunset Avenue, consistent with the RSIS requirements, into the plans to provide for safe pedestrian traffic.
21. The Applicant shall incorporate ADA-compliant curb ramps for the addition of the planned sidewalks at the intersections of Sunset Avenue and Afterglow Avenue, and Sunset Avenue and Bloomfield Avenue, as well as the entrance driveway to the site on Sunset Avenue.
22. The Board Engineer may, in his discretion, undertake a review of the site's lighting 6 months post-construction to determine whether the lighting, as installed, complies with the lighting plans approved by the Board. The Applicant shall undertake reasonable adjustments to the lighting if needed to comply with the lighting plans.
23. All utilities will be installed underground.
24. Grills are generally permitted in all courtyards except that there shall be no grills in the courtyard closest to Afterglow Avenue.
25. The parking garage shall be outfitted with suppressive sprinklers, consistent with the UCC.
26. The Applicant shall comply with the Electric Vehicles Model Ordinance and, at a minimum, install one EV handicap parking space and one EV regular space on each floor of the parking garage.
27. The Applicant shall seek to relocate the transformers, as permitted by the power company, to reduce the wall height and thereby reduce the size of the dog run to mitigate the retaining wall height. The fence on top of the wall will be setback three (3) feet from the face of the wall. The transformers will be screened with plantings.

Final review and approval shall be subject to the review and approval of the Board Engineer.

28. The Applicant shall 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 will submit the capacity analysis. This analysis is to be submitted prior to the Township endorsing a TWA for the development.
29. The Applicant shall conduct a hydrant flow test to assess if the flow available meets the fire flow demand. The Applicant shall conduct this testing after the Township wells are online but prior to the issuance of a Certificate of Occupancy.
30. The Applicant shall provide an analysis of existing and proposed water demand as per Boswell Engineer's letter, dated June 1, 2023.
31. The Applicant agrees to comply with the reasonable landscaping recommendations of Boswell Engineering and the Planning Board as well as the representations made by the Applicant during the public hearings with regards to landscaping.
32. The Applicant shall install a fully automatic underground landscape irrigation system.
33. The Applicant shall provide a Landscaping Performance Bond and, subsequently, a 2-year landscaping maintenance guarantee.
34. The Applicant shall obtain the approval of the Verona Fire Department with regard to the proposed standpipe locations.
35. The Applicant shall resubmit the Stormwater Management Plan addressing "Memorandum-05" from Boswell Engineering, dated July 25, 2023.
36. The Applicant shall 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 stormwater design are compliant with NJDEP BMP Manual. Based on the soil test results, the Applicant shall resubmit the Stormwater Management Report for review and approval for compliance with NJDEP and Township Ordinances to the Board Engineer. Should the Board Engineer determine that the Applicant Engineer's assumptions used in the basin design are not accurate, the Applicant will redesign the basins and present the redesign to the Board for approval.

37. The Applicant shall comply with the Redevelopment Plan, except as it relates to variances and waivers approved by the Board.
38. All LED Luminaires shall have a color temperature not exceeding 3000k.
39. The Applicant will submit copies of all will-serve utility letter responses, if received and upon receipt, to the Board Engineer.
40. The garage shall be sprinklered with an NFPA 13 system.
41. No cellular tower leases will be permitted on the entire eight acres site.
42. All signage lighting will only be backlit and have no other accessory lighting.
43. Balconies are prohibited on the four (4) unit lines on the South-East/West side of the building as depicted on Architectural Site Plan Sheet A-02, dated May 5, 2023.
44. The Applicant will coordinate with the Verona Fire Department on the final locations of the water connections to the building and the fire hydrant locations.
45. If any rooftop HVAC units are visible to the surrounding streets, they will be appropriately screened.
46. The Applicant shall provide the Township with a recycling plan, pursuant to Ordinance 446-9.
47. The Applicant will record deed notices in accordance with green infrastructure BMP's pursuant to 455-14N, 455-14O, and 455-20B(5) and (7)b.
48. The Landscape Architecture Plans will include caliper of all trees to be planted onsite.
49. The Applicant will enhance buffer zones by planting additional evergreen trees near 15 Afterglow Avenue and other areas where sparse plantings appear to need more trees.
50. The Applicant will install booster pumps if needed.
51. The Applicant will ensure that any generators shall be required to be installed with sound attenuation housing.

52. The Applicant will replace all border fencing with fencing made of a dark, earth-tone colored, composite material in a board on board style.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

BE IT FURTHER RESOLVED that the Board secretary is hereby authorized and directed to send a certified copy of this Resolution to the Applicant and to the Township Clerk, Engineer, Attorney and Tax Assessor, and shall make same available to all other interested parties.

MOVED: Mr. Katzeff

SECONDED: Councilman Roman

ROLL CALL VOTE SEPTEMBER 28, 2023:

	Yes	No	Abstain	Absent		Yes	No	Abstain	Absent
Mr. Bernardo (Alt. 2)					Mr. Jacobsen			x	
Mr. Katzeff (Alt. 1)	x				Councilman Roman	x			
Mr. Lilley	x				Deputy Mayor McEvoy	x			
Mr. Hyndman				x	Vice Chair Freschi			x	
Mr. DeOld	x				Chair Pearson	x			
Mr. Camuti	x								

KATHLEEN MIESCH,
Secretary, Verona Planning Board

JESSICA PEARSON
Chairperson, Verona Planning Board

**TOWNSHIP OF VERONA PLANNING BOARD
COUNTY OF ESSEX, STATE OF NEW JERSEY
RESOLUTION No. 2023-15**

**RESOLUTION APPOINTING KATHLEEN MIESCH
AS SECRETARY TO THE PLANNING BOARD**

WHEREAS, the Planning Board of the Township of Verona has identified a need to appoint a Secretary of the Planning Board for 2023-2024 year, and

WHEREAS, *N.J.S.A. 40:55D-24* requires the Planning Board to select a Secretary who may be a municipal employee and permits the Board to fix the compensation of the staff it employs; and

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Township of Verona, hereby appoints Kathleen Miesch as Secretary to the Planning Board for a term commencing on September 1, 2023 and expiring on June 30, 2024.

BE IT FURTHER RESOLVED that the stipend of the Planning Board Secretary shall be set at \$300 per meeting of the Planning Board.

MOVED: Mr. Camiti

SECONDED: Mr. Lilley

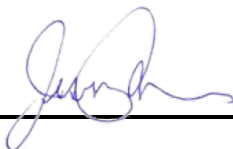
ROLL CALL VOTE September 28, 2023:

	Yes	No	Abstain	Absent		Yes	No	Abstain	Absent	
Mr. Bernardo (Alt. 2)						Mr. Jacobsen	x			
Mr. Katzeff (Alt 1)	x					Councilman Roman	x			
Mr. Lilley	x					Deputy Mayor McEvoy	x			
Mr. Hyndman				x		Vice Chair Freschi	x			
Mr. DeOld	x					Chair Pearson	x			
Mr. Camuti	x									

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE PLANNING BOARD OF THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON SEPTEMBER 28, 2023.

Kathleen Miesch

**KATHLEEN MIESCH,
Secretary, Verona Planning Board**



**JESSICA PEARSON,
Chairperson, Verona Planning Board**

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

RESOLUTION No. 2023-16

On **September 28, 2023**, a motion was made by Councilman Roman; seconded by Mr. Camuti that the following resolution be adopted:

PERMITTING ITEMS TO BE DISCUSSED IN EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Verona, County of Essex, State of New Jersey, as follows:

The public shall be excluded from discussion of an action upon the hereinafter specified subject matter.

1. Pending, Ongoing, or Anticipated Litigation and Contract Negotiations pursuant to *N.J.S.A. 10:4-12 (7)* associated with Docket No. ESX-L-4124-22: DMH2 LLC v Planning Board of the Township of Verona

ROLL CALL VOTE SEPTEMBER 28, 2023

Roll Call	Yes	No	Abstain	Absent		Yes	No	Abstain	Absent
Mr. Bernardo (Alt. 2)	-	-	-	-		Mr. Jacobsen	x		
Mr. Katzeff (Alt. 1)	x					Councilman Roman	x		
Mr. Lilley	x					Deputy Mayor McEvoy			x
Mr. Hyndman			x			Vice Chair Freschi	x		
Mr. DeOld	x					Chair Pearson			x
Mr. Camuti	x								

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE PLANNING BOARD OF THE TOWNSHIP OF VERONA AT A SPECIAL MEETING HELD ON SEPTEMBER 28, 2023.

Kathleen Miesch

**KATHLEEN MIESCH
SECRETARY**