

MINUTES OF THE PLANNING BOARD MEETING
Thursday April 27, 2023

Present:

Chairperson Jessica Pearson
Vice Chair David Freschi
Mayor Alex Roman
Mr. Al DeOld
Mr. Tim Camuti
Mr. Jason Hyndman

Mr. Jesse Lilley
Mr. Jeremy Katzeff
Mr. Chris Bernardo
Mr. Alvaro Gonzalez, Engineer
Mr. Greg Mascera, Planning Board Attorney
Marcie Maccarelli, Acting Planning Board Secretary

Meeting called to order at 7:40 PM by Chair Pearson. Absent from meeting: Councilman McEvoy & Mr. Neale.

Pledge of Allegiance

Chairperson Pearson reads Open Public Meetings Act Statement.

Public Hearing

Chairperson Pearson asks if anyone from the public would like to address the board on topics not on this meeting's agenda. No members of the public came forward.

Minutes

Chairperson Pearson asks for a motion to approve the minutes from a **Special Meeting** held on **March 16, 2023**, Mr. Camuti makes the motion, Mr. DeOld seconds. Mr. Katzeff abstains. All others present vote in favor. Minutes are approved.

Chairperson Pearson asks for a motion to approve the minutes from the **Regular Meeting** held on **March 23, 2023**, Mr. Camuti makes the motion, Mr. DeOld seconds. All others present vote in favor. Minutes are approved

CONSISTENCY DETERMINATION

Township Council Ordinance 2023-15 AMENDING CHAPTER 150 ZONING, ARTICLE XXII HISTORIC PRESERVATION, SECTION §150-22.13 OF THE CODE OF THE TOWNSHIP OF VERONA TO DESIGNATE **11 COLE ROAD**, VERONA, AS A LANDMARK

Mr. Hyndman states that it is listed in the appendix of the Master Plan and is in a neighborhood that was identified as a spot for potential Historic district. Mayor Roman informs that he has been to see the house in person and finds it to be unique, special and an ideal candidate for this. He appreciates the homeowners going through this process and would be in favor of giving it this designation.

Chairperson Pearson asks for a motion to approve amendment to the zoning code to be consistent with the Master Plan. Mayor Roman makes the motion, Mr. Katzeff seconds. Mr. Bernardo does not vote. All others present vote in favor. Motion passes.

Continued Hearing of 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 and gives a recap of the previous testimony given at the Board's previous meetings. Mr. Inglesino advises that this evening Ms. Linda Tycher, Landscape Architect will be giving testimony. Mr. Mascera swears Ms. Tycher in. The plans are put up on the projector so that Ms. Tycher can explain them with illustrations. Mr. Inglesino asks Mr. Mascera about entering the plans as to be marked as exhibits. They agree to mark plans beginning with A1 / 4-27. Ms. Tycher states that her intention is to give description of plans and then go into detail of how she has made modifications based on the requests and concerns of the Board. She is seeking to preserve and enhance the natural area around the building. There is a 30-foot buffer along Sunset, a blue stone pattern concrete terrace & water feature in front of the building. The quiet & passive courtyards have been planned to be respectful of the neighbors, enclosed by buildings to aid in keeping disturbance to a minimum.

Exhibit A2/4-27 is the Swimming Pool Courtyard. It will have water walls with a mosaic, so even when it is too cold to operate them, they will still be attractive. This area will have a large green space and patios. It will have a functional metal trellis & fire pit as well as seating.

Exhibit A3/4-27 is the Passive Courtyard. It will have a large community dining table with chandelier, a bar/grill and a herb garden. There will be seating and space for a portable movie to be set up (not permanent fixture).

Exhibit A4/4-27 is the Quiet Courtyard. It will have a slip resistant porcelain tile floor, 1 fire pit under a trellis and green space. There is heavy screening in this area.

Exhibit A5/4-27 shows site amenities. Ms. Tycher states that they will be using the Linea bollard on the project for lighting that is dark sky rated. A Nyhavn light that is heavily shielded will be used as the pedestrian streetlight on all walkways throughout the property in the courtyards and up to the motor court. There are also fire pits that can be controlled with timers. They will also be using permeable pavers.

Exhibit A6/4-27 is the Landscape Planting Plan. They will be stringent on tree protection and will have tree protection fencing. Ms. Tycher stated that she does not consider "native cover" plants weeds and clearing the site by contractors is not allowed.

Chair Pearson asks for clarification on the number of trees that are being taken down, so much as if they will be taking down less trees than previously stated in the first plan. Ms. Tycher responds that the civil engineer determined which trees are being removed. They will be planting 14 more trees than the civil engineer had indicated originally. The civil engineer was brought on the team prior to the landscape architect so that may have led to some of the confusion. His job was to do a survey showing every tree on the site and which must be removed for the project. Ms. Tycher says her job is tree mitigation; she chooses the replacement trees and determines the placement. There were some discrepancies with some trees that had not originally been labeled on the plan but that are now labeled in the 30-foot buffer area. The site has been studied in different seasons and the goal is to maintain the wooded area. She is choosing trees to insert or add to help maintain the screening or add to the foreground. Her office did not determine which trees would be removed. Chair Pearson states she wants to make sure that there is both ample screening and the trees have ample space to grow.

Ms. Tycher will now address questions that had been posed by the Boswell engineer letter dated 04/17/23; she notes that the site planning & environmental questions were answered in writing. The letter is marked exhibit B1/4-27. They have added more screening, plant diversity and some permeable paving. Chair Pearson asks if the permeable pavement is in driveway #1. Ms. Tycher verifies that it is only in the driveway. There is an existing fence that is being redone; it is being replaced with a 42-inch high metal black decorative vertical picket fence. It will be considered a guardrail and it won't effect the trees, as it will be replacing an existing fence. There is also an existing wall closer to Sunset & the fence will be put on top of it. Boswell had asked specifically about the seating around the fire pit in the quiet courtyard and they will show that. Mr. Camuti asks if small wildlife will be able to get through the fence (ex. squirrels, rabbits, etc.). Ms. Tycher says yes, but it will prevent children from getting through or anyone from falling. There will be two groupings of 8 American Holly trees, a total of 16 trees as well as 3 evergreens added (as seen on

L107) in addition to a number of arborvitaes. Chair Pearson advises that American arborvitaes are not deer resistant, there were 113 originally on the plan and it has been reduced to 57. She encourages Ms. Tycher to consider replacing those 57 with Green Giant. Ms. Tycher states that they can do that and will use Green Giant instead. Mr. Katzeff would like to encourage biodiversity and suggests limiting the use of arborvitaes. Ms. Tycher states that the caliber of the plants will be added to her notes going forward. Additionally, the plans will reflect that the native cover will have a spade cut edge. Quantity on the plant list always takes precedence over the plan, so a note will be added to reflect that. There was a question asking to describe the irrigation system - it will be fully automatic, underground. Drip irrigation is not allowed. Ms. Tycher's office prepares performance specifications, not irrigation plans, that will state high efficiency, no drip, and underground irrigation. The maintenance schedule depends on the owner of the project. She doesn't write maintenance guidelines, although she is capable of doing so, but it is not typically requested by the owners. Ms. Tycher has worked with these particular owners in the past and has every confidence that they will keep every in pristine condition. She also can't speak to the performance bond as it is beyond her purview. There is a 2 year guarantee on plantings is already listed on their plans. Leland Cypress, American Holly & Little Gem Magnolia trees will be used. There will be seasonal color, but as they don't know when the project will be complete and the plantings are the last thing to go in, there will be a chart on the plans showing what the seasonal color should be for each season. Chair Pearson expresses her concern that most of the plantings selected require full sun and will be placed under a canopy of more mature plants making sunlight access difficult. Ms. Tycher states that the new trees will be moved out from under the canopy so there will not be overlapping. There was a question in regards to handling the discovery of rock when planting trees. She states that the 6 borings taken indicate rock as high up as 2 feet. The ball of most trees is 20 inches deep. She has several alternatives to deal with that including earth contour creating gentle rises around them or fracturing rock. Vice Chairman Freschi asks if the soil is built up for planting, how that will stand up over time. Ms. Tycher responded that somethings will have to be decided in the field and if things need to be relocated then they can do that - it will be a multiple disciplinary approach. Chair Pearson asks if deer guards will be put on the trees to avoid damage to trees from deer rubbing. Ms. Tycher responds that it is not currently in the plans, but that it could be. She asks if it is necessary on all species of trees. Chair Pearson states just the ones at risk, for example, it is not necessary for the evergreens. Mayor Roman echoes this concern. Ms. Tycher thanks them for the suggestions.

Ms. Tycher moves on to the issue of lighting, the type of fixtures are listed in the plans as well as discussed them earlier this evening. Photometrics have not been done, her office does not do those, but she may talk to the owner about having the electrical engineer speak with her in regards to photometrics. They will not & never use higher than 3000k for lights. Mayor Roman brings up the color temperature and suggests that she may consider 2700k or lower instead. He mentions that it was something that was discussed in regards to the top level of the parking structure. Ms. Tycher states that while she cannot do anything about the garage lighting, she will try to do 2700k if possible for the walkway lights. Mr. Camuti states that 3000k is as cool as the lighting should get. Ms. Tycher states that it will be LED lighting, which will aid in providing that kind of control. Mr. Camuti asks for an explanation of the opaque vs translucent trees on the drawings. Ms. Tycher states that the opaque trees are new plantings and the translucent ones are existing trees. Mr. Camuti has questions regarding screening for 15 Afterglow, which is adjacent to the property for mitigation of the light spill. Ms. Tycher states that if the Board feels that to help shield a specific home there is a certain area that would benefit from a small cluster of trees, five pines or cedars for example, she would be open to going into the native cover and add that. She would need to be notified in writing, through Mr. Inglesino, of where off property is the assistance needed to help that resident. Chair Pearson agrees that the spot mentioned by Mr. Camuti needs a little extra buffer or filling with trees. Mr. Inglesino asks for verification on address of adjacent property in question from Mr. Mascera and he states that it can be added as a condition. Mr. Camuti asks if the residents can get access to the pool from the passive courtyard area without having to go back into the building. Ms. Tycher states that there is no way to get from one courtyard to another without going through a gate or through the building. The owner/operator will monitor the gate use. Mr. Camuti asks if Ms. Tycher has visited completed developments that she has worked on. She responds yes, as much as she can, her projects are in many different states but she always goes for the "final punch" to see if there is anything that needs to be tweaked. She states that the most used spaces are the open lawn areas, followed by the fire pits. Mr. Camuti asks about the materials used as far as durability is concerned. Ms. Tycher states that the products chosen for the amenities are selected based on the longevity/durability of the item.

Chair Pearson asks if there are any other questions from the Board, finding that there are none, she opens the floor to the public for questions for Ms. Tycher.

Robert Blitz, Verona, NJ – asks for specifics about the quiet courtyard. Ms. Tycher asks for L104/A4/4-27 to be brought up on the projector to assist in explanation. There will be a 72-inch high solid fence to help create a sound buffer, as well as evergreen trees will be in this area. Mr. Blitz asks what material the fence is made out of in regards to how well it will aid in sound dampening. Ms. Tycher advises that they have not studied the material for noise absorption vs noise reflection, but that they can look into that. She is not a sound expert. The primary intention of the fencing is for security & privacy. Because this courtyard is closer to neighboring homes it has been planned with less amenities. It will have 2 sitting areas with sunning area, trellis & fire pit. There are no grills or dining area to encourage a quieter use. Mr. Blitz asks for clarification on the number of trees that will be removed versus planted, is the number equal. Ms. Tycher states that the number of trees is not equal; they are planting more trees than they are removing. Chair Pearson clarifies that the ordinance in Verona specifies that for example, to remove a 24-inch tree, four trees must replace it. She goes on to state that if the question is if the applicant is going to comply with the existing tree ordinance, the answer is yes. Mr. Blitz asks if the tree mortality rate is factored into the planting plans. For example, what happens if portions of the newly planted trees do not survive the first year, or second, or fifth? Ms. Tycher states that Verona ordinance requires a two-year guarantee on trees. They will be replaced if they fail in accordance with the town laws and the agreement between the developer and the township. Mr. Blitz has questions about a fence Ms. Tycher mentioned being replaced. Ms. Tycher states that the fence must be replaced in the same spot, as there is a drop off there and it is necessary for safety reasons. She states that it is less destructive to local plant life to replace an existing fence than to install a new fence where one didn't exist before. Mr. Blitz asks about the possibility of reusing the existing fence posts to avoid damage to the tree roots by new posts of replacement fence. Mr. Katzeff advises that the Board agreed in a previous meeting that the fence would be replaced because the existing fence is in bad condition. Mr. Blitz asks for clarification on the pedestrian walkway. Ms. Tycher asks for exhibit LS01/A1/4-27 to be put on projector so she can answer the question. Ms. Tycher shows that it is internal walkway on the site. Mr. Blitz asks about the six borings that have been done on the property in regards to how they may effect the potential plantings so the Board may review them. Mr. Inglesino advises that sort of question is for not for this witness, its more of an engineering issue that can be addressed at the next meeting when the applicant's engineer is present. Ms. Tycher advises that when she was asked by Verona's engineer how she might handle planting if rock was discovered, her response to them was that she has several options for how she would deal with it; not necessarily more borings – slight burming, relocating, etc. the civil engineer could answer more specifically.

Chris Reilly, Verona, NJ – asks for clarification on the number of trees: How many are in Verona versus how many are in Montclair. Using exhibit A3/4-27, Ms. Tycher explains that the passive courtyard shows the line where Verona & Montclair is on this property. Ms. Tycher consults with Mr. Tony Stewart, project manager. There will be 3 trees removed from Montclair and 50 trees will be added. The majority of the land in Verona is built upon, making it impossible to add more trees to that side of the dividing line. Mayor Roman reminds the Board that the building itself is shaped to fit within the Verona property. Mr. Reilly asks how many trees are being taken out in Verona & how many will be put back in. Chair Pearson states that 119 trees of varying sizes will be removed from the Verona portion of the property and 185 will be planted. Mr. Reilly asks how many of the trees that are being planted are ornamental and where will they go. Ms. Tycher advises that the ornamental trees are as follows: 14 to the pool courtyard, 15 to the passive courtyard, & 4 to the quiet courtyard for a total of 33. Mayor Roman states that he understands the resident's argument to be that the purpose of the mitigation strategy should be to benefit the Verona property. Mayor Roman also points out that the applicant has expressed in the past to be agreeable to adding more trees where needed for screening. Mr. Inglesino agrees and states that they want whatever is best for the existing forest and that there is no intention to skimp on trees. Mayor Roman says that he feels that targeted specifics are what will be needed here, for example if it is discovered that there are certain areas that need more tree coverage that the applicant be made aware of those specific spots as opposed to just a general request for more trees. Mr. Inglesino states that the applicant will agree to that as a condition of approval. For example, in the area of 15 Afterglow where it has been determined that more screening will be needed. Mr. Camuti states that the first priority should be the strategic placement of trees as well as to blend in with the neighborhood. Ms. Tycher says that the caliber of the trees can be looked at to ensure the mitigation is met by law. She goes on to say that Verona may end up getting more trees in an effort to buffer up where they deem needed, research will need to be done and she will look at all of the trees that are going to be removed holistically. Mr. Reilly asks if any trees will be cut to provide for a better view of the NYC skyline. Ms. Tycher says no.

Jonathan McElroy, Verona, NJ – asks if pollinators will be considered when plants & flowers are being chosen. Ms. Tycher says that it could be, one of the trees that is being used is Tupelo wildflower, which is very good for wildlife. She can research and look into more habitat and pollinator plants.

Chair Pearson asks if Ms. Tycher will send a report with information from this evening's meeting. Ms. Tycher says yes, the first thing will be minute meeting notes & then a letter regarding her research. It will go to Mr. Inglesino first & then on to the Board. Mr. Inglesino says that ahead of the next meeting, submissions from Mr. Savage & Mr. Raker will be coming in and they will both be in attendance for that meeting.

Chairperson Pearson asks if there is any other member of the public or Board who has final questions for this witness. As there were none, the public session was closed.

Mr. Mascera announced that the Application 2022-04 Preliminary & Final Site Plan for 1 Sunset Avenue, Block 303 Lot 1 will be carried to the May 25, 2023 meeting at the Verona Community Center at 7:30 PM with no further notice required by the applicant.

NEW BUSINESS

Mr. Mascera advises that there is a resolution that needs to be read aloud and voted on. Chair Pearson reads notice regarding DMH2 vs Verona Planning Board litigation. A motion was made by Mayor Roman and seconded by Vice Chairman Freschi to approve the resolution. Chair Pearson abstained. All others present vote in favor.

EXECUTIVE SESSION

Discussion regarding the status of litigation: DMH2 v. Verona Planning Board

A motion was made by Mayor Roman and seconded by Mr. Hyndman to adjourn to Executive Session at 9:38 PM. Chair Pearson abstained & recused herself from the remainder of the meeting. All others present vote in favor.

Executive session was called to order at 9:40pm by Vice Chairman Freschi and ended at 10:09 PM.

The public portion of the meeting resumed at 10:11pm by Vice Chairman Freschi.

Adjourn

After a motion made by Mayor Roman and seconded by Mr. Camuti, there was a unanimous vote to adjourn at 10:14 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 973-857-4777.