

**MINUTES OF THE PLANNING BOARD SPECIAL MEETING  
Thursday, March 16, 2023**

**Present:**

Chairperson Jessica Pearson  
Vice Chair David Freschi  
Mayor Alex Roman  
Councilman Jack McEvoy  
Mr. Jason Hyndman  
Mr. Al DeOld

Mr. Tim Camuti  
Mr. Jesse Lilley  
Mr. Chris Bernardo  
Mr. Greg Mascera, Planning Board Attorney  
Marcie Maccarelli, Acting Planning Board Secretary

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Meeting called to order at 7:36 PM by Chair Pearson. Alvaro Gonzalez from Boswell Engineering is also present. Chair Pearson advises that Mayor Roman is running late, but will be present for the meeting.

**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 meeting held on February 23, 2023, Mr. DeOld makes the motion, Councilman McEvoy seconds. Mr. Camuti abstains, Mayor Roman unable to vote, as he appeared late to meeting. All others present vote in favor. Minutes are approved.

Mr. Camuti informs the Board that he has watched the video of the meeting from 02/23/23 and read the minutes of the same. He states that he has completed an affidavit attesting to the fact that he is able to vote. Affidavit is entered into record.

**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 there will be two witnesses this evening: Mr. Jonathan Schwartz, who is a principal in the applicant who will answer questions with respect to operations and Mr. Sean Savage, Engineer for the applicant. Chair Pearson advises that the town's traffic engineer, Frank Dobiszewski, is not in attendance due to illness, but that he had questions for Mr. Schwartz. As she doesn't have the list of questions, she & Mr. Inglesino agree that Mr. Dobiszewski may contact him to have those concerns/questions addressed. Chair Pearson asks if Mr. Seckler will reappear before the Board. Mr. Inglesino says if there is an open issue regarding traffic they may bring Mr. Seckler back.

Mr. Camuti has questions regarding the traffic created by Amazon trucks, DoorDash, etc. He also asked about the size of this project, as compared to what he typically manages. Mr. Camuti asks about management difficulties Mr. Schwartz may have experienced with other projects and asks for examples of interactions with neighbors. Mr. Schwartz states that approximately 1 truck a day would come from each Amazon/UPS/FedEx truck per day, DoorDash generally comes

in the evenings. He advises that the driveway can accommodate queuing of 4 or 5 cars without problem. He would consider this a medium size project, as it will have 200 units, and that is about average for the properties he usually oversees. He has seen 8 or 9 such developments from inception to completion and none of them have had traffic problems. Mr. Schwartz states that they have a high retention rate of management employees, which he says speaks to the quality of the company. He states that they are tuned into concerns that may arrive and try very hard to be good neighbors. Mr. Camuti says that he has concerns about the lighting, specifically from the parking area and its effect on the neighboring homes. Mr. Schwartz says that will do everything they can to work with the neighbors regarding the lights. The engineer can speak more to the lighting fixtures. He states he feels confident with his subcontractors, as the company has had long relationships with them.

Councilman McEvoy raises questions about recycling, garbage, bulk waste, & snow removal. He asks for clarification on what would happen in the event that there is more trash than anticipated. Mr. Schwartz says that an additional trash pick-up would be set up if necessary, in addition to the regular twice a week collection. Tenants are responsible for their own "bulk waste" removal, like couches or large tvs. The staff will assist in getting the item out of the building to where it is picked up and if its small enough the regular trash hauler will take it. Excess snow is removed with a backhoe & dump truck when necessary. Chair Pearson asks about boxes generated from tenants moving in; who is responsible for breaking them down & making sure they get taken away. Mr. Schwartz says that if tenants need assistance, someone on staff can help and if there is an overabundance of boxes they will have their recycle hauler come in off schedule.

Mr. Bernardo asks about tenant disputes. How are they addressed? Does the police department get called or is the management company first to step in? Mr. Schwartz says that they have management staff, a maintenance manager & several porters who can assist, but property manager would help, unless it's a matter that requires police involvement. He says that there are cameras in every common area, 300 - 400 cameras. The property managers walk the property and they are highly managed buildings. He describes it as a hotel like experience. Mr. Bernardo agrees that not only heavy, but also well-trained management is of the utmost importance, to make sure that little issues don't turn into big issues. Staff that is aware of what is happening in the surrounding neighborhood in addition to what is happening in the building. Councilman McEvoy asks if the police will have access to the cameras. Mr. Schwartz says yes, when they ask for them, they always cooperate with the police.

Chair Pearson states that as there are no further comments from the Board, it is now open to the public for questions for Mr. Schwartz.

**Jonathan McElroy, Verona, NJ** – asks how this project will effect the property value of homes in the area. Mr. Schwartz says that he doesn't know but that he hasn't gotten many complaints from neighbors of his properties. Mr. McElroy also ask if the increase in traffic will effect the property values. Mr. Mascera advises that he can contact the tax assessor, Mr. George Librizzi, for more information on the impact that these sort of developments can have on neighborhoods. He serves as the assessor for many towns, including Verona, so he may have more insight on what can be expected.

**Chris Reilly, Verona, NJ** – In the event that not all units are rented out, would they consider AirBnB or short term rentals to keep the occupancy up? Mr. Schwartz responds no, they do not do that and will agree not to do it if the Board wants to make it a condition. Mr. Camuti are tenants allowed to sublet or AirBnB. Mr. Schwartz states, no they are not allowed to do that.

Mr. Mascera addresses Mr. Inglesino who agrees to two conditions: 1) the applicant will prohibit AirBnB and 2) will prohibit Subletting, including AirBnB. Mr. Bernardo asks the amount to rent a single bedroom unit. Mr. Schwartz says they haven't been set yet. Chair Pearson asks if there is an anticipated date of groundbreaking. Mr. Schwartz states that it should be one year from the approvals going thru, possibly early 2025. Mr. Inglesino states that Mr. Schwartz is just estimating and is not committing to that date, as it needs to be coordinated with the school that is on the property currently.

**Dan Callahan, Verona, NJ** – asks for confirmation that there is no left turn. Chair Pearson advises that the no left turn is written in stone. He also asks how often the landscaping & maintenance done. Mr. Schwartz states that it is done weekly depending on season. He also agrees that if more greenery were needed in the future, he would be open to that conversation just as he would be open to revisit any issues that turn up unexpectedly with lighting.

**Mayor Roman arrived to meeting at 8:10pm, due to traffic difficulties.** Chair Pearson gets him up to speed of what he missed and invites him to ask any questions he may have of Mr. Schwartz.

**Jonathan McElroy, Verona, NJ** – asks if Landscaping plans have been submitted yet. Mr. Schwartz says that they have been submitted, but that the Landscape Architect has not yet testified. Chair Pearson asks if there will be new plans submitted by the Landscape Architect, as there were some discrepancies with the initial submission. There was inconsistency with the tree numbers. Mr. Inglesino suggests questions like that be referred to the engineer instead. Mr. Camuti advises Mr. McElroy that he can check the town website for access to the plans that have been submitted for his review. Mr. McElroy clarifies he wanted to know if there had been testimony yet regarding the Landscape plans. The answer is no.

**Nora Brenneis, Verona, NJ** – asks when the school will be moving, she heard it will be this June. Mr. Inglesino states that he doesn't know & doesn't want to speak on their behalf. Ms. Brenneis asks if work would start right away, once the school has moved out. Mr. Schwartz says yes and if blasting is necessary it will be one of the first things done.

**Chris Reilly, Verona, NJ** – asks what will the traffic patterns be like during construction. Mr. Inglesino advises that there will be a developer's agreement that will be entered into, between the applicant and the town council. It will address that, and other construction related issues. Mr. Mascera states that the agreement will also address things like street cleaning, dust mitigation, traffic patterns, & times for blasting among other things. The agreements are comprehensive. Mayor Roman adds that the developer is bound by the existing ordinances, which are enforced. Mr. Reilly may call the construction code official or speak at a Town Council meeting to voice his opinion, during the general public comment section. Mayor Roman explains procedure for how new ordinances are made. The blasting ordinance can be found online.

**Nora Brenneis, Verona, NJ** – asks what are the blasting practices and what protections will be in place to protect neighboring homes? She states that her 125 year old home is very near the site. Mr. Schwartz advised that they must abide by State regulations which say, if the neighboring home owners let them in, they will canvas the building, take pictures of the outside and if it shows that any damage has been done to the house after the blasting, they would be responsible for it. They will be sending letters, or going door to door, in order to make the neighbors aware of this.

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. Inglesino calls Mr. Sean Savage as the next witness. He put the Revised Geometry Plan up on the screen. Chair Pearson asks for the sheet number, so that the Board members may follow along. Mr. Savage says he will begin with the changes that have been made. The traffic engineer at the last meeting testified to the entrance change; it was revised to permit a fire truck to enter and make a K turn to leave the site. There is also a change to the south of the building, where a new bio retention basin was added regarding storm water management. On the Grading & Drainage Plan, the only thing changed there is the revision date. Demolition Plan changes are symbols that were added for the additional soil test that has been completed as well as the existing sanitary that is to be cut & capped. On the Tree Location Plan, they added additional soil pit symbols that were to the plan. On the Geometry Plan, they revised the main entry area & site triangles at the driveways, permeable pavement in the 8 above ground parking spaces. At the Fire Department's request, they put an emergency pull-off off of Afterglow where there will be a depressed curb & reinforced grass pavers, it is a flat area. They also added Knox boxes & a fire hydrant on the west side of the entrance drive as requested by the Fire Department. They also revised the chain-link fence to be a board on board fence. There were some modifications made to the grading of the swale to the basin on the south side of the building to comply with the DEP green infrastructure. An adjustment was made to the external handicap stalls to make sure that the slope is not over 2%. They also provided depressions near the inlets in the grass area, as stated in one of the review letters. Because of the addition of Basin C there is a retaining wall & outlet structure. On the Utility Plan shows the structures and the under drain system that is within the bio retention system, the pipes are now shown on that plan. The lighting plan had the lights mounted at 15 feet, they have been modified to 10.5 feet and are different light fixtures. Because of those changes, the lighting calculations have also been updated. The Lighting Detail Sheet has been modified to reflect: the new lighting fixture & the house shield. The Grading Plan shows a change is also on the Soil Erosion Plan. The Soil Erosion Settlement sheet has a revision due to the addition of a bio retention basin, the scour hole detailing is shown including the rock at the end of the flared section. On the Construction Detail sheet (14) for the pull off area off of

Afterglow, a the detail for the reinforced grass pavers was added and a detail was added for the hydrant that was also added to the plan. That summarizes the changes made to the existing plans.

Mr. Mascera advises that the Fire Truck 48 ft. turning exhibit prepared by Matrix New World dated 01/11/23 needs to be marked. Mr. Inglesino stated that he would check their transcripts and find out what the correct designation should be. Councilman McEvoy asks why there is no sidewalk near the Sunset driveway. Mr. Inglesino & Mr. Savage agree that a sidewalk can & will be added. Councilman McEvoy also asks about the lighting fixtures on the parking deck, now that the fixtures are 10.5 feet are they under the height requirement. Mr. Inglesino responds that they consider the lights to be mechanical apparatus, which is not included in the definition of height, so wouldn't require a variance. Mr. Savage states that he feels that by reducing the height of the light fixture, they have limited the spillover that may effect the neighbors while still providing proper illumination. Councilman McEvoy asks if a shield can be added to the light fixture if once installed it is causing a disruption to the neighboring properties. Mr. Savage responds -Yes, they are willing to look into that and address it. Mr. Mascera asks Mr. Inglesino if it was established that the light poles qualify as mechanical apparatus or not. Mr. Inglesino responds that he will get together with Mr. Mascera to discuss separately and follow up with the Board. He also advises that they are attempting to use the least obtrusive, but most impactful lighting for the area and are open to suggestions to achieve that balance. Councilman McEvoy asks if the lights are over the 60-foot limit. Mr. Mascera states that it does put them over the limit and that the definition of "mechanical" applies to things like the top of an elevator shaft, HVAC, etc. not a light pole. Mr. Inglesino disagrees. Mayor Roman asks why the parking deck can't be lit using Bollard lights. Mr. Savage responds that the distance of the throw isn't enough to be sufficient. Mayor Roman asks what lighting standard they are trying to meet because he has seen in "dark sky" communities where Bollard lights have worked. Mr. Savage says that they are designing to the town ordinance, which dictates either 1 or 2-foot candles. He says he would be willing to look at those lights as an option. Councilman McEvoy is concerned with the western end having light spillage on to a neighboring property. Mr. Savage agrees to look at that. Mr. Freschi raises a question regarding blasting, he is concerned with the destabilization with the eastern edge of the property. Mr. Savage states that blasting hasn't been settled on for removal of rock, he believes they are going with drilling but that his questions would be better answered by Construction/Means & Methods. Chair Pearson asks for clarification on the overage drain. Mr. Savage explains that the outlet control structure is 10 feet lower than the wall; in a 100-year storm event, it would fill to be a foot and a half lower than the wall. No infiltration will occur. Under drains will be added as requested by Boswell, 4 inch perforated pipes under the permeable surface to attenuate the flow. Mr. Hyndman asks if the Storm water Management plan has been received yet, Chair Pearson advises that it is available online. Mr. Camuti asks does the storm water report reflect these revisions. Mr. Savage says yes, with the exception of the addition of the under drainpipes. Mr. Lilley asks if the plans show the balconies to the southwest that were removed. Mr. Inglesino responds that the architect could respond to that, but the answer is yes, it has already been testified to and he will be appearing before the Board again.

Chair Pearson introduces Mr. Alvaro Gonzalez, from Boswell the Township's engineering firm and he is sworn in by Mr. Mascera. Mr. Gonzalez has questions regarding the Storm water report - plans show 11 or 10 permeability tests but only 2 were submitted. Mr. Savage states that they were mistakenly left out, so a revised report will be sent.

**Chair Pearson calls for a break at 9:17 PM. The meeting is called back to order at 9:28 PM.**

Chair Pearson asks if anyone from the public has questions for Mr. Savage, and invites them to come forward.

**Chris Reilly, Verona, NJ** – asks how is the power/electricity is going to be brought for the project from the existing power lines/poles on Sunset? Mr. Savage states that they haven't had those discussions with the power companies yet, it usually happens after a Board approval. The intention would be to tie into the existing lines that are along the frontages and route it to the buildings underground.

**Jonathan McElroy, Verona, NJ** – asks about what the basin/Bio retention pit will look like. He also asks does the addition of sidewalk have any effect on the ability for someone to make an illegal turn. Mr. Savage answers that the bio retention pits will have soil & plantings in them – the landscape architect can give more description. He doesn't see any impact from the addition of a sidewalk.

**Nora Brenneis, Verona, NJ** – asks about how it will effect the water pressure, especially since they will be adding hydrants. Mr. Savage states that there has been talk with the town about that, because currently there are a few wells that are offline, and hydrant flow tests will be completed once that has been remedied. In a worst case scenario there would be a booster pump of some sort to get that pressure into the building. Ms. Brenneis asks if the building will take

away from the neighborhood's water pressure, as it currently is a problem? Mr. Savage states that a mechanical engineer would be better to address that concern, but out of concern for fire safety, it would have a minimum requirement that would have to be met. Once Board approval is given, next steps would include getting the permits for sanitary, water, sewer as part of the process - before the building is constructed but not at this stage. Mr. Gonzalez advises that a hydrant test is performed & it will tell you how much flow is available at 20PSI. The pressure in the pipes can't be less than 20PSI and a fire flow analysis needs to be done. That would include the pipes in the surrounding area. Chair Pearson asks if there pressure is still weak, even with the two other wells back online, what can be done if the pressure is compromised besides installing a pump. Mr. Savage states that a mechanical engineer would have to answer that, potentially a water main replacement would help or changing the size of the pipes.

**Jonathan McElroy, Verona, NJ** - asks if the test Hydrant test is solely for the fire department and function of hydrants. Mr. Savage says that is the most urgent concern, but that it would also provide feedback on the water pressure issues of the building and neighborhood. Mr. McElroy asks who is responsible for infrastructure upgrades if the tests show that they are needed. Chair Pearson states that a discussion would have to happen with the builders and the township if that was discovered going into the build. Mr. Camuti asks if they can offer assurances that the neighborhood water pressure won't be reduced, Mr. Savage responds no.

Mayor Roman asks about the site plans - they do not show underground conduits for electrical or telecommunications. Is your intent to make both underground? Mr. Savage responds, yes. Mr. Freschi asks if they will be running the electric through the rock. Mr. Savage says yes, or in a trench.

Chairperson Pearson asks if there is any other member of the public or Board who has final questions for this witness. There were no further questions. Chair Pearson invites Mr. Savage to begin his testimony on storm water management. Mr. Savage advises that they have done a number of geotechnical soil testing pinpointing locations where they would potentially have underground storage systems to look at if infiltration would be possible. Tests of groundwater, seasonal high water & permeability were also conducted. Only one of the tests came back above zero, specifically 0.65, which would preclude the use of infiltration on the site for that purpose. They have confirmed that the site has no infiltration or recharge in the existing conditions; they got better information on the depth of the rock, and got seasonal high indications. To have more green infrastructure they discussed with Brightview adding permeable pavement, the swale on the south side and the bio retention basin, so those were added since the previous storm water design. Since the footprint of the building will be larger than what is currently there, it will help reduce the runoff towards Afterglow, Sunset, & towards Bloomfield. The basin under the parking garage will also reduce the rate of runoff to help meet the requirements of the DEP. They are currently set to meet or be under the requirements of the DEP. Mr. Savage doesn't feel that downstream analysis is required and Boswell has agreed. The site will have an increase of impervious cover of about an acre, but with the change from surface parking to a larger building, sidewalks, etc. it will create cleaner runoff. The DEP has an annual recharge deficit spreadsheet that was completed using the soil testing and there is no deficit to be compensated for, so they are in compliance. The Verona portion of the lot that preserves natural vegetation is 64% coverage, which is under the allowable 75%. Mr. Hyndman asks about the existing conditions, the 4 different runoff areas & if Mr. Savage could break it up between surface parking and building runoff. Mr. Savage explains that there is some existing drainage on the site and he is unaware what the current drainage looks like, possibly downspouts. Everything on the new building is piped to the underground storage basin. Mr. Hyndman asks, in regards to the regulated vehicle surface area, does the roof of the garage count? Mr. Savage responds, yes. Mr. Camuti asks where the water from the top floor of the garage go. Mr. Savage says drainage collectors on the roof pipe it internally and drains for snowmelt on the other floors of the garage. Mr. Freschi asks what is the mechanism to manage the water that is in the underground basin. Mr. Savage says it is just a hole that has a chambered storm tank system with an outlet control structure; he points it out on the plan. Chair Pearson asks to see where on the plan it shows that 33% of the site is undisturbed. Mr. Savage says that 7% of that is Verona, 33% refers to percentage of the whole track. Mr. Savage states that of the 33% total mentioned in the drainage report: 7% of the vegetation, trees, etc. in Verona were undisturbed and 26% are in Montclair. Chair Pearson asks why the results of the boreholes haven't been submitted yet and why the storm water report didn't include the May 2021 boreholes. Mr. Savage states it was left out mistakenly, but will be submitted & that the final report will include all boreholes that were done. Chair Pearson had questions regarding the NJDEP requirements for when testing should be done for seasonal high water table testing and Mr. Savage advised that the Geotech professional engineer is in accordance with the DEP. Chair Pearson asks about the boring logs & the testing. Mr. Savage explains the difference, what each can be used for, & how it is done. Chair Pearson

asks about the slope of the swale and is advised that it varies. She is concerned with the Verona storm water ordinance as opposed to the RSIS & whether one will preempt the other. Mr. Inglesino states that it is something that he & Mr. Mascera will need to look into. Mr. Mascera states that there is an ambiguity of language in the Developers Agreement and the ordinance/Redevelopment plan so it will need to be reviewed by the attorneys. Mr. Savage states that where there can be infiltration they are allowing it to occur by having only 64% coverage of the ground. Chair Pearson asks, what would be the problem with giving water quality control. Mr. Savage states that the water isn't treated, but that they are providing quality with in the bio retention basin, swale and the permeable pavement. TSS getting into the ground will be lessened because the parking area has been cut by about 53%. Mayor Roman says that it's his understanding that the concern is in regards to the contaminants that drip from the cars onto the pavement & then are washed into storm drains by rain. Where is it expected to go, into a sanitary sewer or a storm sewer? Mr. Savage responds that the DEP wouldn't deem the covered lot to be a motor vehicle surface & they are keeping with those regulations. Mr. Camuti asks to clarify that water will not be zigzagging down the garage and Mr. Savage states no, it will be dry. Mayor Roman states that he wants to account for the water that comes off of the cars and where it will go. Mr. Savage states that would be a question for building maintenance, as he doesn't know how often they will be cleaning the garage. Chair Pearson asks if there are maintenance plans for both the garage, permeable section & bio retention basin. Mr. Savage states that the operation maintenance manual will cover that. There would be deed restrictions for those areas that are part of the green infrastructure. Chair Pearson asks why he used Delmarva not Standard for the unit hydrograph. Mr. Savage says he will look at it and see if it would make a difference and if the basin needs to be made a little larger or grading needs to be altered a little, he will do it. Chair Pearson asks how the clean out hole maintenance is done, does the floor have to be taken apart. Mr. Savage advises that there is a manual with specifications in it on how to do that & he's never had a situation where the floor has had to be taken up. Mr. Gonzalez asks if Mr. Savage is the person who wrote the report, Mr. Savage states that he reviewed it, he doesn't run the HydroCAD files. Mr. Gonzalez advises that using the Delmarva is a big issue & clarification is needed. The Delmarva is for coastal areas it will make a big effect on the peak flow. Mr. Savage states that he will look into it and revise if necessary. Mr. Hyndman asks if it can done by next meeting, Mr. Savage says no because it would take more time than that. Mr. Gonzalez states that he has never seen an infiltration rate of zero. Mr. Savage states that many of the tests were on rock. Mr. Gonzalez asks how he calculated the drain time & Mr. Savage responds the computer program does it automatically. Mr. Gonzalez states that the systems that they are proposing, meaning the swales, and the bio retention basin, are not providing any infiltration. These systems that have been designed to provide infiltration, need to be evacuated of the water that they are holding temporarily, within 72 hours. Mr. Savage states that the bio retention basin, the under drains are beneath the soil, so what is getting through the perforated pipe isn't going through the soils that have no permeability. Mr. Gonzalez that he would like for Mr. Savage to consider installing the manufactured devices for TSS (total suspended solids). The water that is being collected from the roof is supposed to be clean, but you have certain impervious areas at the entrance and solids will run as well. Mr. Savage states that they are compliant with NJDEP requirements. Mr. Gonzalez says that while he understands that he needs to look at the lot as a whole, he asks to have the 33% broken down between Verona & Montclair. Mr. Savage states that Verona is 7.5% of the 33% total natural land cover. Mr. Inglesino states that Mr. Savage will take questions from the public at the next meeting.

It is announced that the application will be carried to the March 23, 2023 meeting at the Verona Community Center at 7:30 PM with no further notice required by the applicant. For the information of the public, it is also announced that the next regular meeting after that will be on April 27<sup>th</sup>.

**Adjourn**

After a motion made by Mr. Camuti and seconded by Mayor Roman there was a unanimous vote to adjourn at 10:58 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.*