

MINUTES OF THE PLANNING BOARD MEETING
Thursday, March 23, 2023

Present:

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

Mr. Jason Hyndman
Mr. Jesse Lilley
Mr. Jeremy Katzeff
Mr. Chris Bernardo
Mr. Greg Mascera, Planning Board Attorney
Marcie Maccarelli, Acting Planning Board Secretary

Meeting called to order at 7:33 PM by Chair Pearson. Frank Dobiszewski and Alvaro Gonzalez from Boswell Engineering are also present.

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.

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. Sean Savage, Engineer and Mr. Jack Raker, Architect. Chair Pearson advises that memo that was sent to the Board by Mr. Inglesino was received at 6pm this evening so while she was able to distribute it to the members, it is unlikely that anyone has been able to review it thoroughly & it hasn't been posted to the website yet. Mr. Inglesino advises that Mr. Savage will be providing testimony on the content of the memo, so it is not essential that the Board members have read it yet. Mr. Inglesino wants to clarify some language in the Brightview letter dated 08/22, page 4. : "... applicant must complete a Capacity Analysis for any township storm sewer structures that this project will discharge to. The analysis will be needed to confirm that any new connections can be accommodated by the existing system." In the Boswell letter dated 02/23, page 9 reads "... it is noted that the proposed development will result in a reduction in the runoff rate directed towards the existing drainage inlet, located within Sunset Avenue, therefore the reduction in runoff rate will not have a negative impact on the downstream drainage system and no downstream capacity analysis is required." Finally in the Boswell letter dated 03/23, page 22 states "... does not represent Boswell's technical opinion on the matter, but Brightview Engineering's opinion." Mr. Inglesino points out the contradiction of the statements that came from Boswell.

Mr. Mascera asks if there is a reduction in runoff rate or not, Boswell didn't say that they agree or disagree, they gave no conclusion. The question of if there is a reduction is what needs to be answered to satisfy everyone. Mr. Savage addresses the question of the need for Downstream Capacity Analysis. In the drainage area that is contributory towards the Afterglow existing drainage system, the design is reducing the volume and rate of the runoff, in total of about an acre. In terms of Sunset, the majority of the site is going into an underground drainage basin – the details can be found in the 01/11/23 drainage report that was submitted. Mr. Inglesino summarizes that since the runoff is being reduced, a Capacity Analysis is not needed.

Mayor Roman asks if that statement applies to Sunset and the other three runoff areas for the site. Mr. Savage states that three of them are reducing the volume & rate – towards Afterglow, to the east towards Bloomfield and Parkhurst. The runoff that is directed towards Sunset, the majority goes through underground basins is reduced meeting or exceeding the DEP requirements. The revised report that will be submitted (a draft has gone to the Board Engineer) doesn't change the results in regard to the runoff, they are reducing the runoff in all areas. Mr. Inglesino asks if Downstream Capacity Analysis is required / necessary in this scenario as the runoff is being reduced. Mr. Mascera invites Mr. Gonzalez to respond to the testimony so that this issue can be put to rest.

Mr. Gonzalez begins by stating that he doesn't understand the confusion with the letters from Brightview and Boswell that were first mentioned. Mr. Gonzalez states that Mr. Savage provided numbers based on a model that was run using the Delmarva unit hydrograph that happens to have a peak lower than the standard and his numbers are not correct. He states that it could be explained simply, for example: This is the receiving pipe & this is its slope; this is the material and the estimate of what the maximum capacity of it running full and this is what is coming from our side and this is the amount that is coming out. That is what the capacity analysis would show if it was submitted.

Mr. Inglesino asks if the reports that have been submitted show that the runoff has been reduced and that it is less impactful with regards to the storm water system; Mr. Savage says yes. Mr. Inglesino says that they will not agree to do a Capacity Analysis; they feel it is not warranted based on the testimony of Mr. Savage, which states that the runoff has been reduced. He feels there is no legal basis for it.

Mr. Mascera states paragraph four of the Developers Agreement does provide that, "... the redeveloper acknowledge that certain infrastructure improvements may be necessary in connection with the implementation of the project, in accordance with the settlement agreement and the Redevelopment Plan. Redeveloper's sole cost & expense shall provide all necessary engineering studies for, construct, and install all Municipal infrastructure and capacity enhance and enhancements or upgrades required in connection with provision of water, sanitary sewer, and storm water sewer to the project." Mr. Inglesino states that the paragraph continues & states that applicable law, the MLUL, limits it. If they need infrastructure improvements to supply utilities for their project, then they need to pay to supply that infrastructure. He states that this issue is not applicable to what is in the Redeveloper's Agreement; they are complying with what the MLUL requires. Mr. Mascera says that the Redeveloper's Agreement trumps the MLUL and that it doesn't apply in this situation. Mr. Inglesino doesn't agree, and states that they are improving Verona's storm water capacity as supported by the testimony & the reports. Chair Pearson asks how they are improving things for the neighboring properties. Mr. Inglesino responds that they don't have to improve things for the neighbors. Chair Pearson follows up stating that what it appears what he is saying is; you are putting in a sewer for your project and if it's large enough to accommodate your property, that's good enough, even if downstream the sewer system may be overwhelmed by the combination of their runoff with that of the neighborhood. Mr. Inglesino says that in the Settlement Agreement and the Redevelopment Agreement; Verona states that the town has adequate water, sewer, and all of the utilities to accommodate its residents. Mr. Mascera reiterates that the Plan says, "... that Redeveloper's sole cost & expense shall provide all necessary engineering studies for, construct, and install all **Municipal infrastructure...**" it doesn't say for the project, "... in connection with provision of water, sanitary sewer, and storm water sewer to the project in addition to all required tie-in connection fees, etc." He asks Mr. Inglesino if his position is, if storm water capacity needs to be increased that it is not the redeveloper's responsibility. Mr. Inglesino responds that it is not an issue in this application. The testimony shows that it's reducing the impact on the storm water capacity, so the Redevelopment Agreement isn't applicable to this conversation. Their expert has testified that there's a reduction in capacity. He doesn't feel that it's appropriate to be compelled to have a Capacity Analysis done, he feels its cost generative & in violation of the settlement. Mr. Mascera asks Mr. Gonzalez if there is a reduction of storm water from the site. Mr. Gonzalez states that if they meet the DEP requirements, yes. Mr. Mascera then asks, Are you satisfied that there is a reduction as Mr. Savage has testified. Mr. Gonzalez states that the previous analysis was based on a wrong unit hydrograph, so they need to come up with a new one with the hydrograph adjusted for him to review. He asks Mr. Savage, how long does it take to estimate the capacity if you know the inner elevation of the inflow & the out flow, and the material depart. Mr. Inglesino states that they have a legal obligation to meet the DEP requirements, which they will and Mr. Gonzalez has testified that if they do that, there will be a reduction in capacity. Because of this he is opposed to his client having to spend money on having a Capacity Analysis done which based on what Mr. Gonzalez has said will be unnecessary. Mayor Roman states that because Mr. Gonzalez hasn't been able to review the revised & corrected report, this issue can't be closed right now - the information still needs to be confirmed. He considers this an open issue because of the word "downstream" in relation to these improvements. He doesn't agree with the idea that there are adequate utilities for the project if the pipe 20 feet down the road isn't big enough after it starts collecting from other inputs

downstream. A Downstream Capacity Analysis needs to be done so we know all the way down to the trunk line that the system is capable of handling any runoff from your project. He states that it is possible that they may be correct, but it is not currently proven because they don't have information on that. Mr. Inglesino asks Mr. Savage about the Delmarva unit hydrograph issue. He asks if the Standard Unit Hydrograph should have been used instead of the Delmarva hydrograph, Mr. Savages says yes. He asks if Mr. Savage has run the numbers using the Standard hydrograph, was there a difference and if so what was the difference. Mr. Savage responds that he has re-run the numbers and that there was a minimal difference and the size of the basins will not have to change. A draft of these findings were submitted to the Board Engineer and a final report will be submitted later. Mr. Inglesino advises that Mr. Savage will come back to testify before the Board again if the Engineer finds and issues or questions with the new report that is being submitted. Mr. Savage addresses the project's water demands – he is aware that a number of the town's wells are offline; the plan is to do those hydrant tests once the wells are back online. Once those tests can be completed, they will have more information on the low & pressure at the site, and then they will know if they need to install a pump for the building. Mr. Inglesino states that they will agree to do that as a condition of approval. Mr. Savage states that they have been in discussion with the Town Engineer, and that not only are there are no conveyance issues, the sewer treatment plant has adequate capacity. Mr. Inglesino states the treatment works approval process and other such issues will be addressed post approval by the Board. In regard to sewer capacity, Mr. Savage states that Boswell recommends a 4-week flow monitoring performed on one of the manholes downstream of the site. In previous discussions, they agreed with the Engineer to jetting certain sections of the sanitary sewer main, from Sunset along Afterglow Way to Afterglow Avenue, which would be jetted & recorded on video to see if there are any issues on that main. Per those discussions, the Engineer is not aware of any capacity or conveyance issues with the main located in Afterglow or downstream of the site. Mr. Inglesino states that the Settlement Agreement they have with Verona where the town has made very definitive representations with regard to sewer capacity, water capacity and the like. This is why they feel any capacity concerns are covered. Mr. Mascera asks if Mr. Inglesino would agree that there is a difference between general capacity and the capacity of a pipe near the project. If Verona made a representation that there is adequate sewer capacity, doesn't that apply to the sewer plant and the ability to handle any excess flow, but not particularly with existing sanitary pipes in the vicinity. Mr. Savage responds that the Town's Engineer stated specifically regarding conveyance, the actual pipes leading to the treatment plant, that there are no known issues.

Councilman McEvoy asks what size the pipes are coming from the project and what size they are tying into. Mr. Savage states that they are both 8 inches. Councilman McEvoy asks if he thinks that will be sufficient and not cause the line to be overloaded further down the street. Mr. Savage says that ultimately, he does not know the exact change of where the pipes increase, but yes, he thinks it should be adequate. Mr. Inglesino reads from page 7 of the settlement agreement: "... the parties acknowledge that low & moderate income units contained within the project renders the project an inclusionary development and provides it with all the rights, benefits, & protections of an inclusionary development including, but not limited to: the Township's obligation to provide adequate public utilities and services, water & sewer to the property; as well as the prohibition of cost generative development standards or requirements." He states that the Township Engineer will have to sign off on the capacity issues. If there is not adequate capacity and the pipes do not work, he believes it is Verona's obligation, under the contract that was signed. Mr. Mascera disagrees and states that under the redeveloper's agreement, which was signed after the settlement agreement, it states that, "... the redeveloper... construct & install all Municipal infrastructure and capacity enhancements or upgrades required in connection with the provision of water, sanitary, sewer and storm water." After continued discussion, Mr. Mascera states that they will have to agree to disagree. Mr. Inglesino states that it is outside the scope of the Board to try to determine if the capacity is adequate, it is the responsibility of the Municipal Engineer. Chair Pearson states that the Board & residents have concerns, for example: regarding overages that need to be addressed even if the Engineer will have the final word. Councilman McEvoy states that when they talk having the capacity, they are referring to the sewer treatment plant not the infrastructure underneath/the pipes, because from the Town Council's perspective, had no idea what the size of the pipes were. Mr. Inglesino says that there is nothing in the agreements that obligate the applicant to fix or enlarge Verona's infrastructure. They will only make the improvements that are required to accommodate their project.

Chair Pearson asks if they are required to go before a Land Use Board in Montclair for the non-green infrastructure that they will be installing for the project. Mr. Inglesino says no, they do not have to. Mr. Mascera asks if they have any obligation to Montclair with regard to this application, Mr. Inglesino says no. Chair Pearson asks if grading is considered non-green infrastructure. Mr. Savage says that the part of the property in Montclair is only going to have grading done. Mr. Inglesino clarifies that is not green infrastructure. Chair Pearson asks how large a hydro pump would

be or what kind of room it would take up if one were needed. Mr. Savage states that it is architectural and that there are spaces that can be used for mechanical rooms. He says the architect could discuss that, but the MEP design has not been done yet to know how large it would need to be. Mr. Camuti asks about capacity further downstream for runoff & sewer are those pipes connected - Mr. Savage responds, no they are completely separate. Mr. Camuti asks where it goes; Mr. Savage states the sanitary goes down Afterglow, down Sunset and away from Bloomfield. The drainage is closer to Bloomfield, as it ties in at the last structure before Bloomfield. Mr. Camuti sewer pipe improvement is not on Verona. Mr. Camuti asks about the storm water basins where the runoff collects, where does that go. Mr. Savage states that they discharge into a manhole that is just off of Sunset and that's the last run before it hits Bloomfield Avenue. Mr. Camuti states that he believes that the Settlement Agreement says that the Town is obligated to give the applicant the necessary municipal sewer supplies to build this. The town has provided an 8-inch pipe that Mr. Savage has said is 6 times more than adequate, and it is the job of the town to maintain that sewer. The language in the Redevelopers Agreement supersedes that and extends it; basically, saying that changes needed to accommodate your capacity &/or your sewer runoff, should obligate the applicant to not just get rid of it through the town pipes but to maintain the neighborhood as it is. He states it is the job of the Board to make sure that is the case and ultimately his belief is that the responsibility for that falls to the applicant. Mr. Inglesino states that he disagrees.

Mr. Mascera states that there are plenty of instances where developers bear the cost of off track improvements and there is case law to support that. He states that if the township has an ordinance, then the developer will pay a proportionate share for the cost of the off track improvement that is deemed necessary because of that development. Mr. Inglesino states that there has to be a nexus between what is being required and the development. They will not be doing an upgrade of the infrastructure for Verona. Mr. Mascera advises that if the project causes the infrastructure to need to be upgraded, then the cost can be passed on to the redeveloper. Mr. Inglesino disagrees. Mayor Roman summarizes that the applicant is replacing a school with a residential building. If it is generating more sewage flow than the school, and if it is more than what the trunk line in the street can handle in addition to the neighborhood flow it is already handling, then that means that the development is having an adverse impact on the neighborhood and might require an off track improvement. You may say that it is not a Land Use issue, but if you do not like what the Board is saying to you, you are able to go back to the township. Mr. Inglesino says that you cannot have these discussions in the abstract. Mayor Roman points out that the reason that it is abstract is because they will not agree to do a downstream flow capacity analysis; the analysis would settle any questions about this matter. He reminds that there was a request to do a 4-week sewer monitoring in a downstream manhole and Mr. Inglesino had said that it is cost generative, not justifiable & that they would not do it. There is a debate over if this project will overrun the capacity of the existing sewage trunk lines that are serving that neighborhood and currently have much less demand on them, but without the flow analysis they do not have a definitive answer.

Mr. Gonzalez says that Boswell reviews projects like this often and the recommendation is made because there is definitely going to be an impact on the receiving pipe. Hypothetically, if DPW reports say that there is some back flow, they would also suggest that the pipe is video inspected to see if it needs to be replaced. Adequate capacity can only be set if the numbers are known, because the flow is a variable that is measured, so in order to say "adequate" you need to have a number to support it. The capacity of a pipe is typically estimated based on the pipe material and the slope, the calculation only takes a moment. The flow monitoring allows one to determine whether the receiving pipe is going to have enough capacity to receive a flow that is estimated to be 56 gallons per minute. Mr. Gonzalez states that he would be concerned as the builder as to the possibility that the receiving pipe may not have capacity to accept all the flow that is site is generating. Mr. Savage states that once the revised report has been submitted and reviewed by the town engineer they can discuss and address comments/questions at a future meeting. Mr. Gonzalez advises that the flow monitoring typically costs between \$3,500 – 5,000.

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

Jonathan McElroy, Verona, NJ – asks what the actual path of the runoff is and where it is going. Where exactly is "downstream". Mr. Savage explains the run off that will ultimately get down towards Mr. McElroy's property is the drainage that is going towards Afterglow. They are reducing the volume and the rate of runoff that is going towards Afterglow. The rain from the buildings' roof gets collected, funneled to the underground basin and then pumped at a slower rate down to an existing structure near the lower parking area and then on towards the bottom of Sunset near Bloomfield, through a pipe. Mr. McElroy asks whom he would need to talk to in the event that this development doesn't

improve the storm water management as they claim, but instead cause problems or a worsening of how that area handles excessive rain, who will he need to take that up with. Mr. Inglesino states that the Town Engineer is responsible for checking that what the applicant has testified to is correct. He also states that there will be an operations maintenance manual for the onsite manager. If there are other causes for an exacerbation of an existing condition on Mr. McElroy's property that is not the responsibility or fault of the applicant/property owner. There will also be quarterly inspections of the facility, as mandated by law; further, these periodic inspections will ensure that the development is not the cause of any drainage problems with regard to his property. Mr. McElroy asks for clarification on the sewage lines: where will they be tying in and where will it go? Mr. Savage states that the connection is on Afterglow, approaching the intersection with Sunset, going left & down the hill from there. Mr. McElroy asks if the sewage line is sufficient for both the current conditions and for the addition of the new project. He also asks what the impact of the project will be. Mr. Savage states that based on his discussions with the town's engineer, there are no known issues of capacity with either the plant or the existing pipes. They are still meeting with him in & will have to get approval for their TWA and if he recommends that they do some testing that was mentioned here, then they will do it. Mr. McElroy asks what the impact down the road will be and Mr. Savage responds that they will have to get back to the Board about that. Mr. McElroy asks how construction impact will storm water. Mr. Inglesino there will be a Developer's Agreement that will address construction issues.

Luke Farrell, Verona, NJ – asks about jetting & investigating with a camera on a specific portion of Afterglow Way. Mr. Savage states that was at the recommendation of the town engineer. Mr. Farrell states that that area is up hill from the site & asks what that means regarding the impact of the new project on potentially adding volume and pressure to an area that already has difficulties. Mr. Savage states that he believes that Engineer may have been referring to some issues in the road that is causing backup and existing issues upstream, but he cannot speak for him. Mr. Farrell asks if there is a reason why the storm water would be going towards Bloomfield Ave, while the sewage is being diverted down the hill through the neighborhood. Mr. Savage responds, because that is the path the pipes take towards the sewage treatment plant. The existing site does have a connection on Afterglow Ave. Mr. Farrell asks if it would be possible to reconfigure it to have, the sewage go out the existing connection instead. He also asks if it is possible to have that considered.

Chris Reilly, Verona, NJ – asks what the maximum of the model was that passed, in regards to 100-year storm and storm water. Mr. Savage responds that there are requirements for the DEP where certain storm events have to be met and their design is on the 100-year storm event. Mr. Reilly asks if the model shows a breakage point. Mr. Savage states that he has never done that or heard of that being done.

Nora Brenneis, Verona, NJ – asks if sewage is only going out Afterglow Ave or is it splitting and going out in different directions. Mr. Savage states that the sanitary sewer is going towards Afterglow Ave towards Sunset to the sewage treatment plant. The storm drainage run off splits and goes towards Parkhurst, Bloomfield, Sunset, and Afterglow.

Marta Leja, Verona, NJ – wants to verify that the tests that they will be completing will be able to tell if there will be potential backups. Mr. Savage states that the tests, if they come to the agreement to do them, would be showing that the existing system has the capacity and that their contribution to it would not cause any issues. If there are downstream issues that exist but are not impacted by the project that would not be fixed by what they are doing.

Jonathan McElroy, Verona, NJ – asks what constitutes a 1-year, 5 year, 10 year, 100-year storm. Mr. Savage responds that it is inches of rain over a certain period of time; per DEP they have to analyze the 2, 10, & 100 year storm events.

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.

Chair Pearson calls for a break at 9:21 PM. The meeting was called back to order at 9:34 PM.

Mr. Inglesino calls Mr. Jack Raker as the next witness. A new set of documents were submitted, and he is here to explain the revisions that were made, to make sure everything is clear to the Board members. Mr. Raker begins by stating that the cover sheet changes is simply the list of drawings on C – 01. On sheet A-01, the background to the entry shape has

changed. It has been updated to match the civil engineer's drawings. On sheet A-02, the balconies have been removed; it is the balcony prohibition diagram. On sheets A-03 thru A-06, the only changes are the Stairs, Moderate/Low income units & spot elevations are shown. In addition, the civil background is updated to be shown. On sheet A-07, the changes are the Stairs, Moderate/Low income units, spot elevations are shown & generator location/dimensions have been added. On sheets A-08 & A-09 the changes are the Stairs, Moderate/Low income units, spot elevations & the size increase of the 3-bedroom unit are shown. On sheet, A-10 the only change is that the civil background is now shown. On sheets A-11 & A-12, the light fixture heights in the garage are shown & articulations to the wall at the back of the garage.

Chair Pearson asks if Mr. Raker would address the light fixtures. Mr. Raker illustrates on the projector where the survey shows where the light fixtures were added and that the height of the lighting fixture above the floor is 10 feet 6 inches. The height above grade varies because of the slope. Chair Pearson asks if there is any way to disburse light without having such a tall fixture. Mr. Raker says yes, but that they are not as nice. Lights could be mounted to the building, but that would potentially be more of a nuisance to the neighbors. It is easier to control the lights on a pole where shields can be added & the lights shine downwards. Chair Pearson asks if 10 feet is the norm for fixtures and he states that although he is not a lighting expert, he typically sees fixtures that are closer to 12 or 14 feet. Chair Pearson asks to set as a condition that shields be required to ensure that the light will only go down. Mr. Inglesino says that they will agree to that & to work with the town engineers to get the shielding & the light exactly right. They are working to balance a minimum impact on the neighbors with the safety of the residents. Mr. Mascera states that if the Board deems that the lights are a structure and not mechanical; he recommends a design waiver as it would be the way to try to get the best possible result, because lighting is necessary for safety. Mr. Dobiszewski states that the 10.5-foot light is modest as they can be 14 – 16 feet in some instances. It has been alluded to doing a 6-month evaluation, so that the impact of the light can be reviewed to measure the ambient levels and determine if adjustments need to be made. Mr. Inglesino is in agreement with this. Mr. Camuti states that he recalls Mr. Schwartz saying that he was also agreeable to that. Mr. Inglesino confirms that and says that it would allow the residents the opportunity to talk to the town engineer, who would then give them feedback so they could make adjustments as needed. Mr. Camuti asks if they will be using LED lights, so the color & temperature of the lights can be adjusted, and Mr. Inglesino says yes. Councilman McEvoy asks if they ever put the lights on motion detectors. Mr. Raker says that he does not believe so but would have to defer that question to the engineer. Motion sensors may not comply with code, and they have to meet certain requirements. Mr. Dobiszewski states that there are minimum lighting levels that need to be maintained, but beyond that motion sensor, lighting would work as supplemental/additional lighting. Mayor Roman asks if the heads of the light fixtures are adjustable in brightness. Mr. Dobiszewski states that once the type of fixture has been determined, there is a light spectrum to choose from & they can be dialed down as needed. Mayor Roman mentions that the color temperature and lumens are two separate factors and asks are outdoor light fixtures typically adjustable. Mr. Dobiszewski says yes. Mr. Raker returns to review of the revisions made to the plans. On sheet A-13 & A-14, the elevations & grills are shown and updated to the garage illustrations. There are no changes to sheets A-15 & A-16. On sheet A-17 the changes are the Stairs, Moderate/Low income units & the size increase of the 3-bedroom unit are shown. On sheets A-18 through A-20 there are no changes, they are the prospective renderings. Mr. Katzeff thanks Mr. Raker for enlarging the 3 bedroom units. Chair Pearson asks if either of the Board Engineers have questions for Mr. Raker, there are none.

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

Jonathan McElroy, Verona, NJ – has questions regarding exhibit A-14, the lighting on the top level of the parking deck. Where would the top of those lights be? Using the illustration, Mr. Raker shows where they will be located and approximately, what the height will be in relation to the top of the building. They will extend about 6 feet above the crash protection wall of the garage.

Robert Blitz, Verona, NJ – asks if the level of visible light by neighbors will be below what was mentioned at previous meetings. Mr. Inglesino advises that there will be a condition in the resolution requiring the applicant to comply with all applicable laws. Mr. Blitz asks if the language used by Mr. Inglesino in reference to working with the engineer on the lighting (“may be some changes”) can be made to be more of a definitive commitment. Mr. Mascera states that the conditions in the resolutions will not have vague language.

Luke Farrell, Verona, NJ – asks if headlights will go into neighboring homes at night when cars are driving up or down the ramps in the garage. Mr. Raker responds no, not unless it is a very high truck and something that large would not fit in the garage.

Chris Reilly, Verona, NJ – asks why the garage was not designed with the height of the lights in mind. Mr. Raker states that in regard to the pole, the light fixture is not addressed in the ordinance, as they are mechanical equipment and thereby exempt in his opinion. Mr. Inglesino states that it was designed in accordance with the Redevelopment Plan. Mr. Mascera clarifies that the discussions about the light pole stem from the need to determine if it is a structure or mechanical, as there are different requirements that hinge on that determination. Currently the applicant and the Board disagree on that. The ordinance allows for excess height for some exceptions, and light poles are not included in that list. The legal question is: are light poles allowed because they are not mentioned in the ordinance or if they are explicit exceptions. If the ordinance does not allow them, to reach a resolution, the Board can issue a design waiver. Mr. Inglesino has not agreed that a design waiver would be necessary, but that resolves the issue, so the Board could do that. Mr. Inglesino asks Mr. Raker how many projects like this one has he designed in New Jersey; he responds 150 – 200 in approximately 120 municipalities. Mr. Raker states that about 20% of them had parking structures similar to the one here with light poles and none of them considered a light pole a structure that required a variance. Mr. Mascera asks how many of those projects were finished based on Verona’s Redevelopment Plan and Mr. Raker responds just one.

Luke Farrell, Verona, NJ – asks why projects that have been built in other municipalities matter to our town. Mr. Inglesino says that in legal terms, it may set a precedent.

Mr. Raker states that the adjacent building is the same height, but sits taller than the garage, as it is up on the hill. Chair Pearson says that from ground elevation, it does not exceed the allowable height and Mr. Raker agrees.

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 asks if Mr. Inglesino has anything else to share with the Board this evening and he says no. Mr. Inglesino advises that at the next meeting the landscape architect will be appearing from out of state to testify. Chair Pearson asks if she will be submitting any alternate or revised plans. Mr. Inglesino says that at least 10 days prior to the hearing any relevant paperwork will be sent to the Board. Chair Pearson mentions that the Environmental Commission had requested that they diversify their plants and that the sooner those plans are submitted the better, so everyone has a chance to review them. Mr. Inglesino states that they have the letter from August 2022 regarding the plants and he will convey the message regarding the submission of the plans.

It was announced that the application will be carried to the April 27, 2023 meeting at the Verona Community Center at 7:30 PM with no further notice required by the applicant.

Adjourn

After a motion made by Mr. Katzeff and seconded by Mayor Roman there was a unanimous vote to adjourn at 10:15 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.