

**MINUTES OF THE VERONA  
PLANNING BOARD MEETING**

**Thursday, February 22, 2024**

**PRESENT:**

Chairperson Jessica Pearson  
Mayor Christopher Tamburro  
Councilman Roman  
Deputy Manager Kevin O'Sullivan  
Mr. Tim Camuti  
Mr. Lilley

Mr. Al DeOld  
Mr. Jeremy Katzeff  
Mr. Jason Hyndman  
Mr. Greg Mascera, Planning Board Attorney  
Ms. Kathleen Miesch, Board Secretary

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Deputy Manager O'Sullivan took Oath administered by Mr. Mascera prior to the meeting start.

**CALL TO ORDER**

Meeting called to order at 7:35 PM by Chairperson Pearson.

Absent from the meeting: Vice Chair Freschi, Mr. Bernardo, Mr. Ten Kate

**PLEDGE OF ALLEGIANCE**

Open Public Meetings Act Statement is read by Kathleen Miesch, Board Secretary

**PUBLIC HEARING**

Chairperson Pearson asks if anyone from the public would like to address the Board on topics not on this meeting's agenda. Seeing no one from the public in attendance, Chairperson Pearson closes this portion of the meeting.

**APPROVAL OF MINUTES**

**Chairperson Pearson** asks if all Board Members have read and received the minutes for the December 7, 2023 Planning Board meeting and if there are any comments or corrections. Hearing no corrections Chairperson Pearson asks for a motion to approve the minutes for the regular meeting held December 7, 2023. **Mr. Hyndman** makes the motion, **Mr. Camuti** seconds.

**Votes in the Affirmative**

Mr. Katzeff  
Mr. Hyndman  
Mr. Camuti  
Mr. DeOld  
Mayor Tamburro  
Chairperson Pearson

**Absent Members**

Vice Chair Freschi  
Mr. Bernardo

**Abstain**

Mr. Lilley  
Councilman Roman  
Deputy Manager O'Sullivan

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

**SUBCOMMITTEE UPDATE**

The Master Plan subcommittee has a Member that would like to step back and a Member that would like to step up. Mayor Tamburro will be on the Master Plan Subcommittee and Mr. DeOld will step down.

There is a vacancy on the Site Plan & Subdivision Subcommittee. Chair Pearson states that Deputy Manager O'Sullivan has agreed to join the Site Plan & Subdivision Subcommittee. Mr. O'Sullivan's background is an Engineer besides being the Deputy Manager of the township and has accepted.

Chair Pearson asks if there are any other members that would like to be on Architect, Site or Landscape Subcommittees to please speak up. There can be up to four Members on the subcommittees

### NEW BUSINESS

Chair Pearson states that there is an MS4 permit that she has been in discussions for some time with Deputy Manager O'Sullivan and Mr. Ferriero.

There is an MS4 permit that we need to be compliant with. Part of the compliancy is creating a municipal Storm and Management Plan with the Master Plan Subcommittee. Chair Pearson asks Deputy Manager O'Sullivan if he can you speak to any schedule to be able to begin with the Planner and Engineers to begin to put everything together. Deputy Manager O'Sullivan had has some discussions with Mr. Ferriero regarding the creation and the process for the Municipal Stormwater Management Plan. Boswell will be assisting with that. There is money still available in a bond ordinance that was established for the Master Plan. Early discussions will be coordinated with Boswell. As it becomes a more fruitful document for discussion it will go the Planning Board for discussion at that point.

Chair Pearson states that the whole point of having the Master Plan subcommittee is to have sessions to discuss. The Chair stated she has looked through dozens of other townships and they all have the same thing with just data shift within the document. It's generally a 30 to 40 page document, depending on the size of the township and the data just changes. The **Chair** suggests there should be a brief kick-off meeting that could be done via Zoom for convenience. **Chair Pearson** verifies that **Mr. Hyndman** agrees with the plan. **Mr. Hyndman** verifies that there should be a brief kick off meeting and send it off to the professionals to get an idea of what the timeline is for getting that skeleton document, the subcommittee could take another look at the document before it is presented. **Mr. Ferriero** suggests the DEP has a standard full format of this element, and I can be distributed prior to the meeting. **Mr. Hyndman** agrees and **Chair Pearson** asks if the H2M Planners will be asked to review or is this more of an Engineering standard. **Board Attorney Mascera** does not think it is necessary at this point noting that in the end it will be something they review. **Chair Pearson** states she does want H2M to review it at some point. Mr. Hyndman asks about timeline for kick-off meeting. **Mr. Ferriero** would need a week or so to get the DEP format out to everyone so questions could be formulated. **Chair Pearson** asks if there any other comments or questions about any of the other subcommittees ... seeing none, continues to next item on agenda.

### RESOLUTIONS

There are no resolutions on the agenda.

### CONSISTENCY DETERMINATION

Chair Pearson turns the discussion over to Mr. Ferriero. Mr. Ferriero begins that the Planning Board's purpose is to determine whether or not the proposed ordinance is not inconsistent with the Master Plan. Further explaining that the Master Plan doesn't save everything in these ordinances, therefore it's not consistent, but conversely it's also not inconsistent, so that's why you make the not inconsistent finding. **Mr. Ferriero** continues that there are two ordinances to discuss. The first one is chapter 55 where the stormwater management section of the code is being repealed and replaced with a new section called Stormwater Management Controls and Requirements. The important word is **controls** because this is the ordinance that sets the design standard for storm water management in the Township. The MS4 permit which is the municipal separate storm source system is a permit issued by the State to the township with one of the obligations is that your ordinance is updated to be consistent with the state requirements and there's NJAC7:8 which are the Storm Management rules and that's a minimum standard.

The minimum standards are fundamentally the same as they have been for major development for some time, where you have to address water quality, groundwater recharge, and, rate reductions. The difference that happens is, first off, the green infrastructure requirements came and that's already there, and that's also

codified in the new regulations. The other thing is that the design storms have been modified because it's been recognized by the state that the rainfall for the 210 and the hundred year storms are not the same as they were when those storms are first established in 1999. There is a requirement that you increase the design storms to what is considered the current 2024 storm. That is roughly 5% greater for those different storms and it varies depending on where you are in the state. There is a second analysis that you have to do to make sure the storm water works for the projected year 2100. That increases those design storms by between 20% and 50%. Verona has gone above and beyond this in two ways. The first one is redefinition of what a major development is, consistent with the Watershed Institute recommendations formerly under the state regulations it's an acre of disturbance, or a quarter acre or more of impervious surfaces. That has a look back to 2004. Under the Verona definitions of major development the area of disturbance is down to a half an acre and the impervious surface is 5000 sq ft. **Chair Pearson** states they were carried over from the ordinance. **Mr. Ferriero** agrees, but states that is where Verona is. Another thing **Mr. Ferriero** has had discussions about with the Township and the Chair is the concept of a minor development because 5000 sq ft of impervious on an 8000 square foot lot, is a lot of impervious before you have to do anything. There's a standard that has been developed for what is called a minor development. It is defined as 400 sq ft. or more of new impervious surface, or 2,500 sq ft or more of disturbance. The standards there are relatively benign kind of rain gardens, dry wells are the green infrastructure requirements that are recommended for those projects. It helps cumulatively what happens in a neighborhood. The 2,500 square foot of disturbance number is in there because sometimes you have disturbance on a property that's not more than 400 sq ft somebody's regrading their yard and you can get mud running onto the neighbor's property. A standard for that is the requirement for soil erosion and sediment control like a silt fence. That's what you have to do if you have 2, 500 sq ft. of disturbance. The reason why that was put in there is because under the overarching regulations, under the County soil and conservation district with the threshold is 5000 sq ft, which is a big number.

**Chair Pearson** states that this ordinance has been enhanced to give the Township Administrators more control and oversight over what is installed, especially on major developments. Every year a major development will have to register their BMPs or their Storm Water Management mechanisms, whether they're green infrastructures or they're gray, and pay a fee and have an inspection and have a report drafted for that inspection to ensure that their Storm Water Management is in working and good order. That is to ensure it doesn't need to undergo any kind of upgrades or service in order to ensure again flooding.

**Mr. Ferriero** states that stormwater management facilities need to be maintained. The other reason why it's important is because under MS4 permit it is required that all these facilities are maintained. Incorporating the ordinance like this, you save a step. You create a mechanism by which puts the obligation on these BNP owners to report to the municipality.

**Board Attorney Mascera** The minor development includes definition of a major build. 400 or more square feet of new impervious surface could be considered .... if you have more than 5000 sq ft. of regulated impervious coverage or new impervious coverage, that fits the definition of both major and minor, So that no one could come before us and argue ... **Mr. Ferriero** adds you can say less than 5000 and less than a half-acre.

**Board Attorney Mascera** the easiest way to clear it up is to say that in minor development, any development, other than a major development ... **Chair Pearson** asks the Board if anyone take issue with that. **Chair Pearson** asks if that would be considered substantive ... multiple responses of no.

**Chair Pearson** asks if anyone has any particular questions on the ordinance. **Mr. Hyndman** asks to confirm that aside from updating some of the tables, the storm water beds and those triggers, were there any other substantive changes? **Mr. Ferriero** responds that there are some things in there that are very technical in nature ... **Mr. Hyndman** states that the sections of look similar but that he didn't go through word for word. **Mr. Ferriero** offers that is used to be that Engineers designed projects using a modified rational method. This method makes the Storm Water Management about 25% of the size if you used the TR55 method. The DEP has taken that out cannot use the modified rational method for sizing detention basins any longer.

**Mr. Hyndman** confirms that these are all just mostly technical, **Chair Pearson** states that there were changes that were a little bit substantive i.e. added the terminology from TWI, the retention standard which is

one half of the projected 2100 two years storm times the change factor which is 1.18, which comes up to 2.04 " that have, to be withheld on any new or remaining, if it was a redevelopment and they had something impervious that wasn't moving. If they add new, all of it has to be controlled for that ... **Mr. Hyndman** states it is not just to change, the whole... **Chair Pearson** responds – everything. It is a good thing, especially because you can hold redevelopment to conducting storm water management. In the minor developments there was a change of gallons to inches ...for retention purposes, if a minor development goes over 1500 square feet of new impervious surface they must soil test to ensure that they themselves, their own basements, and their neighbors basements don't become overwhelmed with run-off from all of that new previous surface, and the soil is capable of the detention, whether it's a rain garden, the soil can actually infiltrate the water that will be running off. It's not just anything above 400, 400 that kicks it off, is included in whatever new impervious is added. **Mr. Ferriero** adds that if somebody puts in 600 sq ft., they don't control 200, they control 600.

**Chair Pearson** suggests to correct the language, 400 new square feet maybe the trigger, but that the entirety of the impervious added, including the first 400 sq ft that trigger it, are necessary to include in your calculations.

**Mr. Ferriero** states that it is already there

**Chair Pearson** asks there are some documentation and maintenance plans that Minor developments also need to hand in. **Mr. Ferriero** states that it is much more abbreviated. The idea is not to burden people, but to make it responsible. **Mr. Hyndman** adds that for these additional, you are going to need an Engineer, if you're putting in a patio, you trigger the 400, you will need an Engineer.

**Mr. Ferriero** what we've talked about is to create some stereotypical calculations and those sorts of things that can be handed out with the permit applications so the resident can do it. **Mr. Ferriero** has one town that what they do is they say, for every square feet needs gravel and so many inches deep. **Mr. Hyndman** they would need someone to the soil testing. **Mr. Ferriero** adds yes once you get over 1500 SF

**Mr. Hyndman's** concern was the 400 SF that someone would be doing something minor and it goes from just hiring a contractor to ...

**Mr. Ferriero** states that's why the template creation was spoken about;

**Councilman Roman** has a legal and procedural question. Cause number seven requires you to record a conservation easement or deed restriction ... **Chair Pearson** offers that is in the state ordinance.

**Councilman Roman** continues, can the complexity and administrative burden to the homeowner be discussed

**Mr. Ferriero** that is for a major development

**Councilman Roman** points to Section seven under 01:51, page 23. Does the state ordinance require that restriction for a minor development? If we're defining the minor development and it's not part of the state code, do we need to actually force someone to record against their property?

**Chair Pearson** states that the problem is, if somebody does put green infrastructure on site, that needs to stay there, because it's basically a natural pipe or a natural holding cell,

**Mr. Ferriero** states that the idea is to keep people from filling in a rain garden or putting a pool where the drywell was.

**Councilman Roman** states that assuming that someone wants to move to the other side of their lot, if you do want to re-landscape, the question is, is that a bridge too far to require someone to encumber their title. He can see having someone maintain it, but what if they rip the patio up?

**Mr. Hyndman** states that is says "...other acceptable legal measures" if they are getting site plan approval...

**Mr. Ferriero** offers that they would not be getting site plan approval for a single family home for a small edition. **Chair Pearson** adds that it may not need to go before a Land Use Board. The Chair worries that if there isn't some sort of protection of that area that people could just pave over it or put basketball court... **Councilman Roman** we're talking about a 20'x20' patio triggering you having to go and record a conservation easement. **Board Attorney Mascera** adds that if you're not selling it, no one is going to prevent you from paving over it or changing the conservation easement

**Mr. Ferriero** states that most of the towns he has worked in do not require the filing an easement, but perhaps the way to do it is you have the owners sign an acknowledgement that they have this and it gets recorded in their block and lot folder in the town with the map attached to it, so it basically becomes something enforceable by the town and recorded in a town, so if somebody comes in for a permit to put a swimming pool where the dry well was, or where this rain garden was, then somebody's aware of it and it doesn't get lost.

**Chair Pearson** asks if it would simply need to be a recorded easement with the Township of Verona.

**Board Attorney Mascera** states that the town cannot record easements.

**Mr. Hyndman** offers that it could be a notation on their tax card. **Mr. Ferriero** it would be something that we would develop with the Township's Attorney as the right wording and everybody would sign the same document. **Chair Pearson's** question is somebody purchases the property, and they want to put a pool in and an outdoor kitchen and they put an application into the Zoning Officer. Does the Zoning Officer look at the tax record and say you can't do that in that little area and now we have a miscommunication problem.

**Mr. Ferriero** states that he does not how the Township works, but what I would pull out a block and lot file for that specific lot that has old permits and old information, and assume the Zoning Officer would review that kind of information. **Board Attorney Mascera** adds that people do an OPRA request all the time with real estate, and all the permits come up, and whether they are closed or open.

**Board Attorney Mascera** asks the Zoning Official if someone does an OPRA request, the construction office holds all the permits and lets the person know if they are open or closed on the construction end. So it still has a list of all closed permits as well. The **Zoning Officer** states that the question is whether there is one listing where you can see everything. When the construction office has an OPRA request, they the file and maybe it's all in there; if there's a zoning permit, it's not on their side it's on the Zoning side. Unless someone can correct me, currently there is not a central location with all the information of everything permitted on a property, opened and closed in totality. Construction will have theirs, but you have to you assume that if construction has it there was something previously on the zoning side that was done. **Mr. Ferriero** asks if there are separate files between the two departments. **Zoning Officer** explains that it goes to Zoning first because most things, not everything, has to have a zoning permit approval prior to going to construction. **Mr. Ferriero** asks once it's done, where that permit reside? **Zoning Officer** states that the zoning permit will reside in zoning, and the construction permit resides in construction.

**Board Attorney Mascera** asks if someone wants to come in and build a patio, they have to seek a permit. They apply for a permit to build a patio, both offices do an historical check.

**Zoning Officer** currently, there is no historical check as part of the process right now, obviously something we can put in and probably, should, put in.

**Chair Pearson** to verify, when somebody comes before a Land Use Board currently, or has a closed out permit, regardless of whether they have to go to a Land Use Board or not that closed out permit stays with their file yes? **Zoning Officer** confirms. **Chair Pearson** continues that

every time she sees an application, when you send it to the VEC it says do you know of any history of any easements or data and 99.9 % say no. If it is a new owner I have no idea if they went to the Board of Adjustments or any history of another variance sought. There are new owners and they don't really know. Right now, when somebody gets it that has to stay duplicated with your department and the construction department,

**Zoning Officer** obviously, we're aware of the fact that we've had multiple zoning officers in a period of time, and I'm currently doing both as of the last two weeks. Any process that was there went from Mike Carlo to Mr. Epps to Boswell to Paula Mendelsohn to me, so there's really not even a lot of historical data. It's something that we can look at, the historical part of it, we can add that to it absolutely. **Chair Pearson** states that moving forward when this gets passed, when they install some kind of green infrastructure, it should go into their zoning file so anytime they come back to do another improvement, it's there. **Mr. Ferriero** adds that even if you had an easement recorded, that's unless you have the same check it doesn't matter.

**Board Attorney Mascera** going back to the substance of this **Chair Pearson** asks if this would be a substantive change.

**Deputy Manager O'Sullivan** asks is any of this is policed by the requirement for annual maintenance reports. **Mr. Ferriero** responds that there's not the same requirement for minor development as there is for major. **Chair Pearson** states that there is going to be something created that can download from the township's website for maintenance of smaller installations, for minor development.

**Councilman Roman** going back to the 21'x 20' patio, do we want to burden a homeowner with filing an annual report on the storm water? **Chair Pearson** replies that is exempt.

**Board Attorney Mascera** the suggestion is that seven should say the storm water management feature shall be protected from future development by acceptable measures or by legal measures **Mr. Hyndman** states that is pretty broad and it gives the flexibility for the Township to fashion an administrative remedy to the Mayor's point.

**Mr. Ferriero** adds there could be some potential projects where an easement really is needed, so do you want to leave it as this and not mandate the other legal measure, the default one, we'll come up with a format that the owner signs, it's attached to their plan, it's filed with zoning, filed with construction.

**Mr. Hyndman** asks if there will be a recommendation from the Planning Board that an administrative measure be the primary measure unless there is a definitive reason to justify a request for an easement.

**Board Attorney Mascera** I think that's outside of what we are really looking at and it is a separate little section in what is presented to the Council **Mr. Ferriero** adds it is commentary to the consistency determination.

**Chair Pearson** asks who will be sending the memo and **Board Attorney Mascera** states that he will. **Chair Pearson** reminds Board Attorney Mascera that they require a 10 day posting.

**Chair Pearson** states that she spoke with the Township Clerk and she said that she needs to advertise this ten days in advance **Board Attorney Mascera** states that there are no substantive changes so it does not need posting. **Chair Pearson** states that the Council will not hear this until the eleventh of March at which time it will be a second reading. **Board Attorney Mascera** states that the second reading is just the ordinance itself and is advertised the way that was written, because then there can be dialogue to change the ordinance immediately before it's passed, as long as there are not substantive..

**Chair Pearson** verifies that they are leaving that language

**Board Attorney Mascera** yes, recommending that a process be put in place so that if there is a second application, the prior development is addressed **Chair Pearson** clarifies for the installation of the storm where is that is not covered over.

**Chair Pearson** asks if there are any other questions.

**Mr. Camuti** on page one, the applicability, if it's all residential, major redevelopment, is the municipal township covered in that? **Chair Pearson** yes. **Mr. Camuti** Okay, so if you build a new police station and ... **Mr. Ferriero** some might argue that the township is exempt from their own regulations, I would not have that argument with your Chair.

**Mr. Camuti** He has seen this in practice in this town but great that's good to know. Second, just along the one alignment with the Master Plan, which I think we polished smooth so there's not many hooks to go on. There's a couple instances between page 23 and page 5 where there are some, green infrastructure, the old standards, page 4 and 23, rain gardens and swales and over like things are listed, but it is not a comprehensive list. We issue that in our Master Plan are we okay with having that listed here? **Chair Pearson** states that they are giving residents a list of suggestions from Rutgers. If you're looking at page 23, that list comes from Rutgers, and we actually give them projected sizes for the rain gardening order to accommodate the storm order run-off. These are suggestions they if again to what Mr. Hyndman stated, if what they're doing is going to be very big, subdividing a piece of property and building a new house on a vacant lot, they are going to need to get an Engineer to install the proper measure and the Township Engineer's will have to review those numbers and ensure that they're going to work. **Mr. Camuti** asks, so in this case where these suggestions are listed they are for the minor development, the Chair is saying these are helpers rather than helpers of lawyers, or developers,

**Chair Pearson** asks if there are any other questions.

**Board Attorney Mascera** The sustainability element goals of our Master Plan, number three, improve resiliency and sustainability (A) encourage the use of green storm water Infrastructure; (B) address issues with flood prone properties **Chair Pearson** states that every section of our Master Plan discusses storm water. It's in circulation for recommended bump outs to install green infrastructure; to add permeable surfaces to our big parking lots. It's obviously in the Land Use section. **Mr. Ferriero** nowhere in your Master Plan does it say, don't do storm water.

**Chair Pearson** asks if anybody thinks that this ordinance, after all the discussion on Master Plan,

is somehow not consistent. The Chair points out that one of the goals was to redo our storm water ordinance, which is what we are doing.

**Mr. Camuti** asks if we are taking out the old one and putting this one, what is the difference?

**Chair Pearson** responds that this is going into our zoning code and the reason behind that is because a lot of the minor developments slipped by the wayside, without actually being overseen and ensured that people were going to follow up and do the right thing. This provides our administration with a system of checks and balances, because we're just becoming more and more flood prone. Nothing is being taken out and everything mandated and then some is being added. The Chair believes it is totally in line with the Master Plan and is exactly what our Master Plan seeks to have the township do. It is a stricter ordinance and the Chair will be voting pro consistency.

**Chair Pearson** asks if there are any further questions or comments. Seeing none – the Chair makes a motion to send the Verona Township Council that the Planning Board finds ordinance 2024-04 consistent with our Master Plan.

**Mr. Katzeff** seconds.

**Councilman Roman** asks for discussion purposes should the vote be to find it consistent or to find not inconsistent.

**Board Attorney Mascera** the statute states that the Planning Board shall make and transmit to the Governing Body within 35 days a report including identification of any provisions in the proposed development regulation which are inconsistent with the Master Plan.

So the Board's transmittal is that the Planning Board has found nothing that is inconsistent with the Master Plan. **Chair Pearson** requests the change of verbiage in her motion. The Chair asks **Mr. Katzeff** if he seconds. **Mr. Katzeff** responds yes.

**Votes in the Affirmative**

Mr. Katzeff  
Mr. Lilley  
Mr. Hyndman  
Mr. Camuti  
Mr. DeOld  
Mr. O'Sullivan  
Councilman Roman  
Mayor Tamburro  
Chairperson Pearson

**Absent Members**

Vice Chair Freschi  
Mr. Bernardo

**Abstain**

**Chair Pearson** states that the only thing that changed was the definition of pervious surface, correct.

**Mr. Ferriero correct**, just from the 10,000 foot level, the DEP has a certain number of mandated ordinances that the Municipality must have under your storm water permit, and it just makes it clear that an artificial turf field is considered an impervious surface under the DEP interpretations, and now it is codified in your ordinance. This section talks more about water quality as it relates to wildlife feeding, littering, and discharges.

**Chair Pearson** asks did the DEP update this sort of information with an MS 4 permit update

**Mr. Ferriero** there are two ordinances that need to be adopted that are separate from this. One is a true rule ordinance and Verona already has and the second that is required is salt storage **Chair Pearson** which they already adopted at the Council. This actually exists in our general code right. Are there any questions.

**Mr. Hyndman** has no comments if that's the only change and makes a motion that this is not inconsistent with the Master Plan.

**Chair Pearson** seconds.

**Votes in the Affirmative**

Mr. Katzeff  
Mr. Lilley  
Mr. Hyndman  
Mr. Camuti  
Mr. DeOld  
Mr. O'Sullivan  
Councilman Roman  
Mayor Tamburro  
Chairperson Pearson

**Absent Members**

Vice Chair Freschi  
Mr. Bernardo

**Abstain**



**Mr. Ferriero** thanked the Chair for the many hours going over this and stated it was a very collaborative process.

**Chair Pearson** stated she looks forward to working with Mr. Ferriero again.

**Board Attorney Mascera** adds that the time and the effort that the chair puts into all this is appreciated. She is enthusiastic and it's appreciated. Her enthusiasm, her dedication is tremendous. Mr. Mascera sent the legislation with regard to the new affordable housing obligations to the Chair. The new affordable housing obligations are severe and he asked **Mr. Ferriero** how is Verona going to be able to meet the affordable housing obligations and comply with the storm water management requirements given that the town is virtually developed, and it's something that the Planning Board and the Governing Body are going to have to start reconsidering the height permitted in town unfortunately, parking underneath ... if there's going to be two stories above a garage because there's no way that there's enough land area that developers are going to be able to meet the storm water management requirements and affordable housing requirements. **Mr. Ferriero** was part of a panel discussion last year for redevelopment attorneys, and he was there with an attorney, the person who wrote the flood area hazard rules on the storm water rules, and a retired person from DEP. The two gentlemen from the DEP said that every time these new rules come out with the wetlands rules, flood hazard rules everyone said the world was ending and they said the world didn't end. Mr. Ferriero said, no, the world did not end, we just got a lot smaller and that means taller. That is fundamentally what the shift is going to going to have to be. Less land available for development with greater mandated levels for development.

**Councilman Roman** asks which rule trumps which. **Mr. Ferriero** you have to comply with both. **Councilman Roman** let's assume that you have a need for a certain amount of affordable housing and the only way to develop it is prohibited by your storm water management ordinance. You have to bend your zoning regulations at that point time **Board Attorney Mascera** answers you have to bend your zone regulations and go up. It has already happened to some degree with litigation that the town is basically handcuffed, but, these are the immovable object on the irresistible force. Something is going to have to change and the town is going to have to build affordable housing period, and as the world gets smaller and you go up. That's what's going to have to happen so it's just something to know.

**Chair Pearson** asks if we zone particular areas to allow for higher than normal regulations in certain areas than they could be met in areas where could be acceptable or appropriate for slightly taller than normal building, whereas we can still maintain our height regulations in other areas. **Mr. Ferriero** that is absolutely what would you do, you would not allow six story buildings everywhere in town. **Chair Pearson** states that is her point.

**Board Attorney Mascera** it is something that has to be addressed. Addressing **Councilman Roman** and **Mayor Tamburro**, have you seen the new proposed ... both respond yes.

**Chair Pearson** adds that is not spots zoning **Board Attorney Mascera** states that the zoning is getting thrown out the window to accommodate a lot more. There is another law that has come out that states that you can have accessory structures on any single property as a right. **Chair Pearson** that will affect the entire storm water ordinance. It is ridiculous because it is allowing the addition of another house on a single family property, and then off site parking is needed, and then a driveway and could then flood every neighbor and everyone downstream.

That law just came out of committee. The Chair sent it to the Board Attorney. **Mr. Ferriero** states that versions of that law have been kicking around. The overall affordable housing and the idea that you might have to have areas in town where the buildings are taller, and this is an argument that Mr. Ferriero has had previously when people were talking about cell towers, if you

say that every place in town is no good for a tall building, it is prohibited everywhere, then it is equally good everywhere. You have to pick your spots and you're going to have that.

**Chair Pearson** asks if there are any further questions or comments

**Mr. Katzeff** asks for the status of the previously confidential matter that was discussed by the Board.

**Board Attorney Mascera** states that the matter was presented at closed session to the Council. It is still in process, nothing has been settled. It has been presented to the Council.

**Chair Pearson** asks if there are any further questions or comments

**Mayor Tamburro** makes a motion to adjourn.

**Mr. Hyndman** seconds.

**Adjournment**

8:33 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 973-857-4772*