

MINUTES OF THE FEBRUARY 25, 2014 PLANNING BOARD
BOROUGH HALL, BOROUGH OF HILLSDALE

MEMBERS PRESENT: E. Alter, M. Kates, E. Lichtstein, F. Franco, L. Calabria, Z. Horvath, J. Traudt,
M. Giancarlo, J. Miano, Councilman Kelly, Mayor Arnowitz

MEMBERS ABSENT: None

EMPLOYEES PRESENT: Nylema Nabbie, Esq. Board Attorney
C. Statile, P.E., Board Engineer

Chairwoman Calabria called the meeting to order with a reading of the Open Public Meetings Statement.

OPEN TO PUBLIC:

As no one further wished to speak, the open session was closed to public.

MINUTES:

The January 6th, 9th, and 13th closed session meeting minutes were approved by the Board.
The January 8th and February 12th regular meeting minutes were approved Board

RESOLUTIONS:

The following resolutions were approved by the Board:

No. 2014-02 Appointment of Board Attorney with an amendment to the Board Meeting date
from January 21 to January 13, 2014.

No. 2014-03 Appointment of Board Engineer.

ITEMS FOR DISCUSSION:

Tabled for a future meeting.

PUBLIC HEARINGS:

PZ-16-11, Caliber Builders – Golden Orchards, Block 506, Lot 1, Major Site Plan Final Approval

Continuation of Public Hearing from October 9, 2013.

Counsel for the Applicant – Siobhan Bailey, Esq.

Counsel for opposition – John Lamb, Esq.

Counsel for the applicant opened with an explanation of their presentation. At this meeting, they would review all changes to the Site Plan since the approval of the Preliminary Plans, showing that the changes were not substantial. At a later meeting they would address other site issues.

Counsel for the objectors agreed with the procedure and reviewed their concerns on the application.

The first witness was Alex Zepponi, P.E., the professional who prepared the site plans. Mr. Zepponi reviewed all of his 26 revisions noted on the first sheet of the site plans. **Exhibit A-1** was displayed, showing the Utility and Drainage Plans for the entire site. He said there were three categories of revisions:

- a. Four items changed and then removed due to conflicting agency reviews.
- b. Fourteen items added or changed due to other agency reviews and permit approvals.
- c. Nine items that effected physical improvements on the site plans.

He then proceeded to annotate each revision. A number of changes were due to NJDEP disagreeing with the Bergen County Soil Conservation Service (BCSCS) on riprap stone policy. Riprap is used by BCSCS to control soil erosion, but is disfavored by NJDEP. Both agencies have to approve the site plans.

Other changes were related to relocation/addition of freshwater wetlands line and related buffers because of NJDEP personnel subjectivity in the field. Also, the developer acquired additional lands in Washington Township that required wetlands delineation to be folded into the entire project.

Changes also related to the State's Indian Bat tree removal 'calendar prohibitions' delineation on the site. The prohibitions do not prevent tree removal, just the timing of same. Tree species also changed based on the Hillsdale Environmental Commission's review recommendations and the State's reviews.

Changes in the physical layout included relocation of the storm drain and scour hole away from wetlands, and its relocation into Hillsdale corporate lines with accompanying retaining walls. Other changes included narrowing of Arden Place to match the new street, as directed by the Board under the preliminary approval, and the minor relocation of the storm drain in Ell Road to keep it out of the wetlands.



Scour Hole in River Vale

The current plans before the Board were revised since the last submission to fully comport with the original NJDEP approvals and the Preliminary Approval, as they relate to the three underground stormwater detention systems. Minor vertical changes were made to those three storage systems.

Exhibit A-2 was then displayed, which showed an overlay layout plan of the Final Plans on top of the Preliminary Plans. Mr. Zepponi said they were identical except for the narrowing of Arden

Place. Storm drains, other than what he had outlined above, were the same. Public utilities (water, gas, sewer, electric) were also shown the same as the preliminary approval.

Exhibit A-3 was displayed showing a colorized version of the development landscape plan, indicating the municipal corporate limits and which dwellings are wholly located in Hillsdale.

Ms. Kates asked the Board Engineer whether the changes to the tree restitution ordinance affected the current application, i.e. tree-count removal size reduction from 8 inches to 6 inches. The Board Engineer had to check on the adoption date of the ordinance against the application date, since the “Time of Decision” Rules were recently changed by the State. Applications *made before* the ordinance adoption date would follow the older ordinance.

OPEN MEETING TO PUBLIC (cross-examination of Mr. Zepponi):

One resident of Washington Township asked the applicant if they acquired any lands from the Township itself. Mr. Zepponi was unaware of any.

Mr. Lamb, Counsel for the opposition, then questioned the witness and his outline of the 26 plan revisions. **Exhibit O-1** was handed out, listing the 26 revisions in a typed form prepared by Mr. Lamb. **Exhibit O-2** was handed out, which was the original seven page application form for Final Approval. Mr. Lamb question Mr. Zepponi (who did not prepare the application form) why the “Site Plan Revision” box was not checked as the nature of the application. Mr. Lamb asked numerous questions on the wetlands delineation changes/additions and the buffer averaging that resulted in revisions to the plans.

Exhibit O-3 was handed out, which was the Preliminary Landscaping Plan. Mr. Lamb questioned the witness on the changes made between the preliminary and final landscape plans, and whether he considered them material. Mr. Zepponi repeated that changes were made per the local commission and NJDEP for tree type, quantity, and location, but he disagreed that they were material to the application.

Mr. Lamb questioned Mr. Zepponi on whether he wanted the Board to approve split dwellings falling over the corporate municipal limit. The witness indicated he wanted the Board to see the entire site development scheme, and then only approve that which is in Hillsdale jurisdiction.

Other questions of the witness were directed at the elevation changes to the three underground detention storage systems (why they were made), the indication of seasonal high water on the plan set, changes to the retaining wall locations and walking trail access points (why they were made). Mr. Zepponi said he had previously outlined these changes in his initial presentation, indicating that some were due to the oppositions’ concerns.

The hearing was carried to May 27, 2014.

The Board meeting was adjourned at 10:38 PM.

Respectfully submitted,

Christopher P. Statile, P.E.
Board Engineer