

PLANNING BOARD
BOROUGH OF ESSEX FELLS

MINUTES OF THE MEETING OF NOVEMBER 9, 2023

The meeting was called to order at 7:01 p.m. The Open Public Meeting Act announcement was read by Chairman Burchell, as required by law. Those present were Chairman Bob Burchell, Bud D'Avella, Jim Irwin, Dave Isabel, Vice Chairman Jody James, John King, Secretary Peter McMullen, and Francine Paserchia.

Approval of Minutes

A motion to approve the minutes of the Planning Board meeting of April 13, 2023 was made by Bud D'Avella and seconded by Jody James. The minutes were approved unanimously by all those eligible to vote.

Approval of Resolutions

None

Hearings

Abdul Rauf Bhatti
7 and 2 Norcroft Road
Block 1, Lots 3.07 and 3.17
Essex Fells, New Jersey 07021
Minor subdivision, variances for lot width and slope disturbance,
relief pursuant to N.J.S.A. 40:55D-36

Chairman Burchell excused himself from conducting the hearing due to a conflict. He left the dais and took a seat in the general seating area with the public. Vice Chairman Jody James assumed the leadership of the hearing. Nicholas Cherami of the law firm Castano, Quigley, and Cherami appeared on behalf of the applicant. Mr. Cherami indicated that the hearing concerned three lots and four variances. The original scope of the project included four lots. After discussion with borough officials and the borough engineer, the project scope was reduced to three lots, through a collaborative effort. Norcroft Road is an existing private road. The plan includes expanding the road and creating a Homeowners Association to maintain same.

Marc Walker, P.E., of the firm Dykstra Walker Design Group and J. Michael Petry, P.E., of the firm Petry Engineering (representing the Borough of Essex Fells) were sworn in to offer expert testimony. On a motion by Bud D'Avella and a second by Jim Irwin, the experts were unanimously approved to testify.

Mr. Walker referenced exhibits:

A-1 Existing Conditions Plan dated November 9, 2023

A-2 Subdivision with Public Road dated November 9, 2023

A-3 Proposed Minor Subdivision Exhibit dated November 9, 2023

He referred to neighbors on Barberry Way and cited Mr. Petry's request. He stated "full disclosure, current owners have consented to the application." Mr. Walker reviewed details of A-3:

- (3) lots
- will not have additional run-off
- road exempt from RSIS
- cul-de-sac must accommodate emergency vehicles
- no longer right-of-way; utility easement
- slightly odd alignment to accommodate frontage
- road is shorter
- pool removed
- reduced impervious coverage
- would prefer to keep tree located at intersection of Fells Road
- 30 degrees, not 60 degrees vs. 90 degrees = steeper, leave it
- issue with sanitary sewerage: (1) home to sanitary; (1) septic system may slow development
- curbing within the cul-de-sac to retain water would be an improvement
- each new home will require a stormwater plan, "we are ok with this issue."
- asking for a waiver to exclude the private road from the impervious coverage measurement
- steep slope (75.2%) disturbance variance designed to ensure project does not cause problems. Essex Fells engineer will be involved.

Ms. James asked if existing Lot 3.07 is part of new homeowners plan. Mr. Walker replied "yes."

Mr. King asked about runoff. Mr. Walker said the runoff would tie to the existing system, off the cul-de-sac.

Mr. Irwin stated that the plan is asking the board to consider flag lots, when the Master Plan discourages same. He asked why the proposed road would be private, not public. Mr. Petry responded that the grade and angle of the existing road would require significant changes. Further, he said the Master Plan discourages Flag Lots and that the proposed plan perhaps meets the standard of access (if not vehicular).

Board Attorney Sullivan noted that the proposed road would affect the frontage requirements. He asked if the private road met the standard to accommodate emergency vehicles. Mr. Petry replied "yes." Mr. Irwin asked if the board could request that the plan adjust the Flag Lot approach. Mr. Sullivan replied "yes, this change could have consequences."

Mr. Irwin stated that he was not comfortable with a septic system located on a hill. He asked if the board can approve the plan without septic. Mr. Walker replied that the flow to a septic tank would be reasonable, citing the sandy soil indigenous to the location. He "has no reservations." Proposed Lot 3.18 for septic. Mr. Petry discussed using a waiver for up to 500 gallons (a house typically uses 300 gallons). Then wait for the Borough of Caldwell to end their current moratorium on adding new sewage customers. Mr. Petry discussed the concept of utilizing a Special Master for adding one (1) home to sewage usage. Mr. Irwin asked if the board can approve the plan without a septic system. Mr. Cherami stated that they can use language in the details making the sewage issue conditional on a Special Master opinion. Mr. Cherami stated the items in the Petry memorandum dated August 2, 2023 will be addressed.

Mr. Petry reviewed lighting levels near the intersection of Norcroft and Fells. He relayed that the slope % is small. Mr. Walker stated that the disturbance is less than 10%. Mr. Irwin asked Mr. Petry if he was comfortable with the distance. Mr. Petry expressed the less disturbance to steep slopes and wooded areas is preferred. Acting Chairman James asked if there were any more questions concerning the engineering details of the plan.

Bob Burchell, 103 Fells Road, Essex Fells, New Jersey inquired about trees coming down. Mr. Walker replied that each individual lot is subject to follow the ordinance. Mr. Burchell suggested using evergreens to mitigate concerns of the neighbors to the north and west. Mr. Walker stated that there is an existing 4.5 foot standard metal fence that borders the Brownstone residences to the North. Mr. Burchell expressed that if fencing was to be added, that it should be consistent with the neighborhood and be the standard 4.5 foot metal fencing common to the borough. Mr. Burchell then inquired about parking on the cul-de-sac. Mr. Petry responded that the emergency vehicle access required is 18 feet and that there is an issue. Mr. Sullivan requested that the issue of parking on the private road be prohibited in the proposed homeowners association bylaws.

Mr. Jack Dusingberre of 16 Barberry Way, Essex Fells, New Jersey inquired about the waste water plans and the plans for the existing cabana located on the property. Mr. Petry replied that the applicant could be asked to stipulate that the cabana could not be rented out.

Mr. John McDonough of John McDonough Associates was sworn in to offer his expert testimony on Land Use Planning and Landscape Architecture. On a motion by Ms. James and a second by Mr. Irwin, the expert was unanimously approved to testify. Mr. McDonough stated that the proposed cul-de-sac is designed to be situated in a location that allows for an effective balance for the neighbors. He stressed that the proposed lots are not "true" flag lots because multiple

Driveways are not next to each other. Mr. McDonough distributed a sequence of drone photos and street photo of the subject property marked as Exhibit A-4. Mr. McDonough said that the applicant has followed the Master Plan and that the proposed lots conform in lot area. He stated that the request for lot width relief and slope disturbance relief are reasonable based on the parcel. He noted that the elements of sound design include accommodating emergency vehicles. He complimented the engineering of the plan and the intent to construct two high quality homes that are consistent in size with the neighborhood versus one larger home.

Planning Board member Dave Isabel inquired about impervious coverage. Mr. Walker indicated that the first phase of the project would reduce the amount of impervious coverage and that a stormwater management plan would be implemented later as impervious coverage grew.

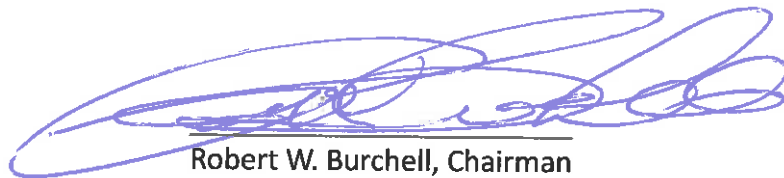
Mr. Sullivan inquired about impervious coverage for each lot. A discussion ensued where it was agreed that the pavement area of the proposed roadway be taken out of the lot area calculation.

A discussion ensued among board members concerning the flag lot approach in the lots. Mr. Isabel, Mr. D'Avella, Ms. Paserchia, Mr. King, Ms. James, Mr. McMullen, and Mr. Irwin all favored eliminating the stems of the flag lot design. Mr. Walker discussed removing frontage and queried about the ability to obtain title insurance.

Mr. McDonough asked if there were any more questions of him and if his presence was required at the next meeting. There were no additional questions and it appears at this time that his testimony will not be required at the next Planning Board meeting.

Mr. Cherami asked if there were any other concerns with the plans. Mr. Sullivan replied "no." He announced that the next Planning Board meeting is scheduled for Thursday December 14, 2023 at 7:00 p.m. Mr. D'Avella made a motion to carry this hearing to the next meeting without further notice. Mr. Irwin seconded the motion which passed unanimously.

Mr. Burchell returned to the Planning Board dais from the audience to assume his position as Chairman. He asked for a motion to adjourn the meeting. Ms. James made a motion and Ms. Paserchia seconded the motion. The meeting was adjourned by unanimous vote at 9:07 p.m.



Robert W. Burchell, Chairman
Planning Board
December 14, 2023