



**Vote: All in Favor**

- Correspondence dated June 22, 2023, from Matthew G. Capizzi, Esq. requesting an adjournment of application Atherton Beverly LLC; 390 Jones Road, Block 3305, Lot 14.02 until July 27, 2023, without the need for further notice.

**Motion: Mayor Wildes**

**Seconded by: Ms. Mann**

**Vote: All in Favor**

**Resolutions For Approval:**

- None

**Public Hearings:**

- (a) File: 2022-03 CPAM Realty LLC  
Premises: 270 Next Day Hill Court & 459 Next Day Hill Drive  
Block 1301, Lots 16.01, 19  
Attorney: Matthew G. Capizzi, Esq.

- **It is noted for the record that Mayor Wildes recused himself from this application and Mr. George joined the meeting at 8:00pm.**

Mr. Costa gave a brief update as to the revisions to the plans, the proposed project has been reduced / only one (1) single family dwelling is being proposed. He deemed the application complete and may proceed.

Ms. Gleis also gave a brief update as to the revisions to the plans; the reduction of the project to 3 lots, the variances (setback & yard width) are specific to lot 16.03, stormwater drainage, traffic, and landscape plan.

Mr. Capizzi, Attorney for the Applicant CPAM Realty LLC gave a brief synopsis of the application and the revisions thereto. The new plans reflect a reduction of the subdivision to 3 lots and constructing only one single family dwelling. Mr. Capizzi confirmed that he provided notice to the property owners and published a new notice in the newspaper of record reflecting the changes made to this application.

At this time, John Edwards, Esq., attorney for Objector Packard expressed his clients' concerns with respect to the lot with the tennis court being subdivided. Ms. Gleiss advised the Board that the City had previously approved the tennis court as an ancillary part of the existing single family dwelling and that this premises is not part of this current application.

Mr. Capizzi calls his first witness of the evening, Michael Hubschman, PE, PP, of Hubschman Engineering, 263 South Washington Avenue, Bergenfield, New Jersey 07621 who was sworn in and qualified by the Board as an expert engineer/planner.

Mr. Hubschman shared his screen and reviewed the minor subdivision plans dated April 4, 2022, last revised May 25, 2023. Mr. Hubschman proceed to explain the revisions; Lot 16.01 will keep the existing single-family dwelling; Lot 19.01 will also keep the existing single-family dwelling and the tennis court; the new proposed lot 16.02 will be the result of the subdivision of the rear portion of the existing lot 19.01 creating the new proposed lot 16.02. The proposed private road will not be necessary with the new configuration; the existing driveway will be re-shaped; removing a portion of the "horseshoe" shape. Mr. Hubschman addressed the drainage concerns testifying that small scale bio-retention basins will be installed to elevate any excess drainage issues at the site. Mr. Hubschman also testified that the existing drainage pipe(s) will be replaced in order to re-route the water runoff so as not to run onto Lot 17. This will elevate a potential water issue.

Mr. Hubschman went on to testify that the conditions of Lot 16.02 is an existing non-conforming lot with an existing single-family dwelling with a pool. The "horseshoe" driveway will be reshaped all other items are conforming.

Regarding Lot 16.03 Mr. Hubschman testified that with the new revisions, addressing the drainage will be needed and he suggested a small wall to reinforce the improvements will be needed. This will benefit the surrounding neighbors.

Mr. Hubschman described Lot 19.01 wherein it will need a variance for lot width and for the rear yard setback. No other improvements will be necessary aside from the drainage improvements already discussed.

Mr. Hubschman confirmed that the changes to the minor subdivision plans were in response to and at the recommendation of Mr. Costa's correspondence of June 16, 2023.

Mr. Hubschman completed his testimony and took questions from the Board:

- Ms. Patino-Valle had a question regarding which portion of the "horseshoe" driveway will be removed. Mr. Hubschman confirmed that the left side of the driveway will remain with the right side being removed.
- Councilman Wilson had questions regarding the broken drainage pipe and the size of 2 small bio-retention basins. Mr. Costa explained the bio-retention basins drainage and retention features and indicated that the basins are 4 feet deep and have 64,000 cubic feet of storage.

- Mr. Lerman had concerns regarding the position of the proposed single-family dwelling; the position of the driveway and possible changes and the location of the basins. Mr. Capizzi indicated that everything is going to be as depicted on the plans.
- A question was brought up by the Board regarding whether or not there is a need for maintenance for the bio-retention basins. Mr. Costa advised that a maintenance plan would have to be submitted to the City yearly. Mr. Bern stated that the yearly maintenance plan for the bio-retention basin can be a condition of the Resolution together with a recorded memorandum requiring the yearly maintenance of the new basins. A deed restriction can also be included in the subdivision deed if the application is approved. Mr. Capizzi stated that his clients would be amenable to Mr. Bern's suggestions regarding the maintenance plan.
- Councilman Wilson had a follow up question regarding contingency plans for the bio-retention basins should fail. Agrees that the homeowners must follow a strict maintenance plan. He also asked if seepage pits could be installed as a safeguard. Mr. Costa indicated that seepage pits can be installed as a safeguard and installing larger gutters with covers/guards will also help prevent blockages.

**The following members of public had comments for Mr. Hubschman:**

- Rebecca Gordon, 490 Lydecker: Had concerns regarding the number of trees being removed and what effects that would have on the drainage system. Mr. Hubschman confirmed that the removal of the trees was included in the drainage calculations. It is anticipated that 44 trees will be removed.
- William Ferrer, 440 Highview Road: Had concerns regarding the maintenance of the sewer systems to prevent blockages that may cause flooding. He also had a question regarding the grading of the property (lot 19.01). Mr. Hubschman replied that the new dwelling will be connected to the City's sewer system/public sewer and a maintenance plan with maintenance log to be submitted by the homeowner to the City will be required.
- Attorney Edwards reiterated that it is believed that Lot 19.01 is part of this application. He also questioned whether a light pole currently on the north side be moved to the south side of the property.

As there were no further questions or comments, Mr. Hubschman's testimony concluded at 8:58pm. Chairman David indicated that there will be a 5-minute recess at this time.

The meeting reconvened at 9:03pm.

Mr. Capizzi called his second witness, Giovanni Diaz, RLA of Weintraub Diaz Landscape Architects, 19 New Street, Nyack, New York 10960 was sworn in and confirmed by the Board as a landscape architect.

Mr. Diaz shared his landscape plan last revised on June 6, 2023, and testified that the plan currently calls for the removal of 44 trees with 124 trees to replace the 44 trees that are to be removed. He confirmed that there are regulations for the removal and replacement of trees. The replacement trees must match the trees being removed. In addition, evergreen trees (type to be determined) will also be planted to provide screening and assist with water absorption. Evergreen trees will also help mitigate storm water runoff. Mr. Diaz testified that 124 replacement trees will be planted with an additional 30 evergreen trees. Mr. Diaz further testified that the tree count will remain the same even if the design of the house changes.

Mr. Diaz testified that trees will be planted in the bio-retention areas in order to provide coverage to the retention area. The new plantings will handle both wet and dry weather periods. Mr. Diaz indicated that the type of trees will be selected from a NJDEP list of pre-approved trees.

**The Board had several questions for Mr. Diaz:**

- Councilman Wilson: Had a question regarding the proximity of the plantings to plumbing and sidewalks. Mr. Diaz responded that the plan is not to plant a significant number of trees by the sidewalks, but the new trees will be planted mostly in the open space areas. Evergreens will screen the property from any further development and the existing homes. He indicated that his client would work with the City to address any concerns.
- Mr. Rosenblatt asked if the certain types of plantings are ‘locked in’ and if the regulations stipulate type.
- Ms. Cordon: Would like to see the setting as natural and native to the area as possible.

**One member of the public had a question for Mr. Diaz:**

- Rebecca Gordon: wanted to know about the size of the replacement trees. Mr. Diaz responded that the trees and bio-retention will be adequate. 124 trees to be replanted with an additional 30 evergreen trees.

At this time, there were no other questions for Mr. Diaz.

**The Board had some general comments/questions:**

- Mr. Lerman: Asked Mr. Capizzi, if the approval for the new single-family dwelling is granted will there be room on the property for a swimming pool. If so, how would this affect the bio-retention basins. Mr. Bern stated that the installation of a swimming pool would change the impervious coverage calculations. Ms. Gleis agreed that the installation of a swimming pool would be handled like any other homeowner who wanted to install a swimming pool at their property.
- **Chairman David stated since we are approaching 10:00pm, he suggests we adjourn the meeting at this point. The application will be carried to the July 27, 2023 meeting without the need for further notice, for the testimony from the Applicant's planner.**
- **Mayor Wildes joined the meeting again at 9:35pm**

**Public Comment:**

- Mr. William Ferrer: Thanked the Board and the professionals for their professionalism.
- Diane Jansen: Had a statement regarding tree replacements vs. donations.

**Chairman David thanks the Board and asks for a motion to adjourn:**

**Motion: Mr. George**

**Seconded by: Ms. Cordon**

**Vote: All in favor**

**Meeting adjourned at 9:49pm**

Respectfully submitted,

*Paris Myers,*

Planning Board Secretary