

REGULAR MEETING

Meeting called to order by Vice Chairman Graceffo with a salute to the flag at 8:10 P.M.

READING: Open Public Meeting Announcement

This is the Regular Meeting of the Wanaque Planning Board and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends and Herald News on January 25, 2012 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk.

ROLL CALL: Vice Chairman Joseph Graceffo, Mayor Daniel Mahler, Members Kevin Platt, Mark Reuter, and David Slater.

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi.

ABSENT: Chairman Gilbert Foulon, Member Michael Ryan and John Shutte.

ARRIVALS AFTER MEETING STARTED: Let the record show:

Member Eugene Verba arrived at 8:18pm

Councilman Cortellessa arrived at 8:25pm

MINUTES: from the May 31, 2012 Special Meeting

MOTION TO APPROVE: made by Member Reuter, seconded by Member Platt. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Members Platt, Reuter and Slater.

COMMUNICATIONS REPORT: None

APPLICATION STATUS REPORT (Engineer's Report): Application is on the agenda.

NEW BUSINESS APPLICATION: At Your Service Landscaping, LLC

5, 14 & 16 Brook Street, Haskell, NJ (Block 436/Lots 4, 4.01 & 4.02)

Business Owner is At Your Service Landscaping, LLC, 92 Deerfield Terrace, Mahwah, NJ

Property Owner Saturday's Realty LLC, 393 Fullerton Lane, Bentonville, VA

Joe Cirra, 185 Prospect Place, Rutherford, New Jersey.

I am one of the owners of At Your Service Landscaping.

We are under Contract to purchase the property. There is currently a residence on the property, which is being rented out and we intend to keep. There are also two garages and a piece of land. The one garage is being rented out by a construction company, which we also intend to keep. The other garage is one we would like to use and move into. The vacant land is currently being rented out by another landscaper who is parking his stuff there. We don't know if he is staying. We intend to store our landscaping machinery and equipment and park our trucks in our garage.

Attorney Veltri questioned is this business application contingent upon your buying the property? Are you going to move in if you don't buy the property? How close are you to closing?

Mr. Cirra stated, no, probably not. We can close as early as next week. All the contingencies have been met on our end, with the exception of this. I also understand that the town has a contingency as far as getting the vacant lot cleaned out. This is also a contingency for us too. We want to make sure that is cleaned out before we take possession of anything.

Vice Chairman Graceffo asked if the Contract was for all three parcels of land?

Mr. Cirra stated yes. However, this property does not go all the way down to Doty Road. There is another lot in between.

Vice Chairman Graceffo referred to the August 6, 2012 letter to the owner of the property and the list of items that need to be removed from the property. Are you not closing on this property until the stuff is removed?

Mr. Cirra stated that is my intent, as long as it is satisfied in some way. We don't want to have to deal with the clean up. We want the current owner to do it.

Attorney Veltri stated that, if the Board grants your business application, your moving in and opening the business will be subject to all of those things being done before you move in. Sometimes at closings, they hold escrow money, and it never gets done. We are telling you, if the Board agrees, that you cannot move in and do business until these things are completed. We don't want to hear about escrows, people holding money, or anything of that nature.

Mr. Cirra stated that works for us. We won't operate anything until it is cleared up.

Vice Chairman Graceffo stated that you will not get the Certificate of Occupancy unless what was stated in the letter is accomplished either by the present owner and before the closing, or if it is done at the time of closing or you are left taking it over with this stuff there, you will not be able to move in. This is very important to the community and you.

Mr. Cirra agreed. It is very important to us as well. We want the place to look as good as possible. I did receive a copy of the letter that the Board has.

Member Slater questioned the multiple uses on the property.

Attorney Veltri stated we did question the uses but that application is not before us tonight. He is here telling us he would like to open his business as part of that property. I would assume the Building Inspector's office, or other people, have looked at that multiple use issue and I assume they believe it is legal for him to be here before us.

Mayor Mahler questioned if his was going to be the only business operating there once you own it?

Mr. Cirra testified no. We are going to take the smaller of the two garages. The house between the two garages is being rented out per a lease, and there is another construction company that is taking the bigger of the two garages and he has a lease. We are okay with collecting the rental income. My understanding is that the junk does not belong to any of the renters of the buildings; it belongs to the landscaper that rents out the vacant piece of land. The seller is trying to get the landscaper to clean it up, but if he doesn't, the seller is responsible for it.

Member Reuter questioned if this property is in the Redevelopment Zone and if the applicant is aware of it?

Mr. Cirra is fully aware of this.

Mayor Mahler questioned if he is going to be storing cut grass on the property?

Mr. Cirra testified that there will be no dumping on the property.

MOTION TO APPROVE NEW BUSINESS SUBJECT TO THE CONDITIONS OF THE LETTER BEING MET: made by Member Platt, seconded by Member Reuter. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Members Platt, Reuter and Slater.

REVIEW OF ORDINANCE 21-0-12 – “An Ordinance Amending Chapter 114, Zoning, of the Borough of Wanaque Code to Add Thereto a New Article Entitled: *ARTICLE XVI HIGHLANDS AREA LAND USE GUIDELINES*”

This Ordinance has been introduced on 6/18/2012 by the Mayor & Council

Attorney Veltri stated that about 2-1/2 years ago we petitioned the New Jersey Highland Council regarding the Highland Plan and is this part of the conformance of that, and there are a number of steps and this is one of the steps. These are Use and Development Ordinances that will apply to all lands located within the Borough's Highlands area, except that there is an exclusion for the Wanaque Town Center that was put in the Ordinance. There are a number of exclusions and exceptions, but there are densities that must be followed, appropriate water supply and wastewater treatment options are listed in the Ordinance and the Highlands Council does have overview over our applications and approvals. There is a part of this Ordinance that says they need to be noticed for every application, they can attend and air their objections, but even after we approve, they want a copy of the Resolution and there is another appeal process that could apply to the applicant.

It is an important document. We are giving up some control to the Highlands Council, but it is a necessary component for conformance. It is a very large document, and most of it mirrors the model ordinances for Highlands. We have tailored it a little bit for our Borough, but I would say 90% of it is model ordinance language.

Vice Chairman Graceffo stated the Borough Council approved this Ordinance and we are basically reviewing it to give our approval. This Ordinance is important because it follows along with the Highlands Act and for us to be consistent with the Highlands Act. In order for us to be a part of it, we have to really develop it and have it on record and approved.

MOTION TO ACCEPT ORDINANCE 21-0-12: made by Member Reuter, seconded by Member Platt. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter, Verba and Slater.

APPLICATION #PB2012-03 “Parkside At Wanaque”, Block 432 Lots 36 & 38

Property Address: 63 Fourth Avenue, Haskell

Application For Preliminary & Final Site Plan Approval

Authorized Agent is Jeffer, Hopkinson & Vogel, Esqs.

Melinda Maidens, Esq. of Jeffer, Hopkinson & Vogel, attorneys for the developer, Greentree Development Group, LLC

Greentree is a recent purchaser of property known as 63 Fourth Avenue, Haskell, New Jersey, Block 432, Lots 36 and 38. The application for this development is consistent with Ordinance 18-0-12, which was adopted by the Governing Body on June 11, 2012. The application proposes a total of 88 residential units and entirely consistent with the Fourth Avenue Residential Development Section 114-7.01 of the Borough Ordinance. This property was originally purchased by an entity that has no relationship to the current applicant and was purchased for the purpose of development and was approved for such development back in 2005. The development was going to be an adult housing redevelopment project consisting of 121 units on the same property. The prior owner obtained permits and had laid the groundwork, i.e., graded the area, had put in some infrastructure including roadbeds, sewer and water lines. The bank that had funded the improvements subsequently foreclosed the property and now this applicant, Greentree, has purchased the property from the bank and is proposing to complete a reduced project. The proposal is for 88 units, instead of 121 units, with 60 townhouses; 10 market-rate condominiums; and 18 low-cost condominium units that will comply with COAH obligations. The property is 7.9 acres and zoning for this development area proposes a density of 12 units per acre, which would allow for 98 units, but there is a limit of 88 units on this property and Greentree is certainly proposing to do only 88.

Attorney Veltri confirmed that the Notices served and published are proper so we can move forward with this application. I would like to swear all three witnesses in at the same time so we can proceed. The above-noted witnesses were sworn in.

There will be three witnesses testifying on behalf of this application:

Patrick D. McClellan of MCB Engineering Associates, Inc.

David Gunia, Division President of Greentree Development Group, LLC

John McDonough, Landscape Architect

Exhibits Marked Into Evidence:

A-1 Colorized Version of Site Plan, which is entitled “Rendered Site Dimension Plan” dated 8/16/12 (1of 1)

A-2 Site Plan Comparison Exhibit dated 8/16/12 (1 of 1)

A-3 Off-Site Improvement Status Plan dated 8/6/12 (1 of 1)

- A-4 Colorized Architecture Pictures (4 pictures on One Board) Showing Building Plans & Elevation Presentation dated 5/30/12**
- A-5 Floor Building Plans dated 5/30/12 (1 of 1)**
- A-6 Overview of Landscape**
- A-7 Visual of Entranceway**
- A-8 Visual Entranceway With Lighting**
- A-9 Visual Front Façade**
- A-10 Visual Back View of Buildings**
- A-11 Visual Back View of Building From Fourth Avenue**
*****Only Difference Between A-10 and A-11 is the Wall**

Testimony of Patrick D. McClellan

I am a Professional Engineer in the State of New Jersey and am the Principal for MCB Engineering Associates out of Totowa, New Jersey. I have been retained by Greentree to prepare a Site Plan for the subject property. Incidentally, we were also the engineers of record that prepared the Site Plan for the previous applicant so we have a familiarity with the project, and with the change of ownership so we were able to help in the development of this application with that experience.

The property is located on Fourth Avenue and is identified as Block 432, Lots 36 and 38. The property is just shy of 8 acres in size (7.98 acres) and it is in the FAR Zone, part of the Fourth Avenue Residential Zone. To the north and west of the property are single family homes along Decker Road and Fifth Avenue. It has about 900 feet of frontage on Fourth Avenue and sort of in a southwest direction, adjacent to the property, are some industrial properties that front on Fourth Avenue. The property is the former site of The American Candle Factory. The improvements from that use were removed as part of the construction of the previous development. We were involved with the developer and development until the property was foreclosed upon. When Greentree purchased the property and retained our firm, it worked very hard to try to utilize as much of the improvements that are currently constructed for the current site plan.

At this time, there are a number of improvements that are in place. The sanitary sewer has been constructed to its connection point at the intersection of Fourth Avenue and Leonard Place. The storm sewer is largely constructed on site, but is not yet connected to the storm sewer on Fourth Avenue. The water distribution system is constructed on site, but not yet connected to the system on Fourth Avenue. Quite a bit of the curbing has been installed and to the most extent possible, this development plan is going to utilize the curbing and those utilities as stated. In fact, there is actually some evidence of building construction started but those slabs are going to be removed and a new model is going to be constructed.

Does any Board Members have any questions for this witness?

Vice Chairman Graceffo recommended continuing the presentation and then having our engineer present some of his concerns too.

We have had an opportunity to review the memorandum prepared by Engineer Cristaldi dated August 3, 2012 and, if acceptable to the Board, I would like to review that letter and offer some responses.

Pages 1 and 2 of the letter are commentary describing the project so I will not be offering any testimony on those items.

Page 3, under heading Maximum Distance Between Building, there is a chart that speaks to some requirements based upon the Ordinance and some proposals and then there are a couple of notes that Engineer Cristaldi asks for some input from us regarding. I am going to utilize the Exhibits to help direct the Board to the responses.

A-1 Colorized Version of the Site Plan submitted “Rendered Site Dimension Plan” Under the header Note, Item 1: Building 7, on the southerly end of the property where it is adjacent to the roadway, is the building that is 11.2 feet from the roadway so that is what we are referencing in our Zoning Schedule.

Secondly, there are some concerns about the scaling of the driveways for Building 12. We did just confirm, utilizing the CAD information at our office, that, in fact, all of the driveways are at least a minimum of 18 feet deep. I believe, because the paper stretches during the printing process, there was some question of the scale of the driveways, but rest assured, that the accuracy of the drawing is correct and the driveways are at least 18 feet deep.

Vice Chairman Graceffo, referencing the driveways and parking spaces, for example between Building 11 and the parking spaces directly across from Building 11, in the roadway, how much space do we have there?

24 feet. The 24 foot width is compliant with parking lot aisle widths. There is one place on the plan where we actually have 30 feet in width and that is the aisle between Buildings 6 and 7 and Buildings 8 and 9.

Vice Chairman Graceffo: Is that pretty consistent on going around that exterior of Buildings 12 and 13?

Yes, and that is also consistent with the previous Site Plan.

Engineer Cristaldi questioned which Buildings do you think have the 18 foot driveways? Is it just that one Building?

Yes, that is the one that has the shortest driveway. You also see that instance on Building 4.

Engineer Cristaldi: Building 4 is so far up that you don’t have as much circulation, but still, if they had an oversized vehicle, they would be sticking out into the roadway. Also, the road by Building 12, could you flatten that road out just a little bit to get another foot or two on that driveway?

We tried to follow, as best we could, the curb line, so we have that constraint. One of the things that was important on this project and we were mindful of was that the previous application required relief from your Slope Ordinance, so we tried to keep this development within the disturbance line that was previously approved so we don’t exacerbate the variance that was granted the previous time. Part of that strategy is to utilize much of what has been constructed as possible.

Engineer Cristaldi: How deep is the garage on that unit?

The garage is 22 feet deep.

Engineer Cristaldi: Sometimes the driveway goes under the building a little bit, so you lose 2 feet of your garage. 18 feet sometimes is a little tight especially on those turns and I don't know if anyone is going to have a sports utility vehicle and I don't know if they will really fit into an 18 foot spot.

I will have to defer to Mr. Gunia when he testifies. I don't know what the impact of that would do, if any, to the entranceway to the building or the other components.

Engineer Cristaldi: Most of the other driveways are how much?

At least 18 feet. In many cases, and for instance, with Buildings 1, 2 and 3 the closest driveway is a little over 19 feet, but the buildings step back so it is 19 at the center but then it steps back and then steps back again so you get the 20, 21, 22 feet in those cases.

Engineer Cristaldi: The RSIS would require 18?

Yes, and you can equate that to a parking space. Parking spaces in a shopping center are 18 feet and you see cars are able to be pulled all the way in without sticking out. We are very comfortable with this, but certainly respect any comments and will do what we can to make sure we have the 18 feet. We do think this configuration will work well.

On page 4, Engineer Cristaldi lists eight items that describes the comparison of this project to the previous one and I would like to supplement this with Exhibit A-2 "Site Plan Comparison". This Plan is a compilation of the new Site Plan super-imposed on the old one. It is meant to help the Board understand, in the field, what the differences are. A reduced version was given out to each Board Member.

Member Reuter, referring back to the parking and curb, questioned that you are keeping the curbs due to slope requirements, and it seems it would be a cost issue.

Cost is always part of it. Referring to the Site Plan Comparison Sheet, if you look around the perimeter of the development, there is a dash line that is beyond the limits of all of the construction, and that is our limit of disturbance line. We were required to obtain, at the previous hearing, a variance for that because the Borough has a very comprehensive Slope Ordinance. Some part of this property was level, but then in the back, the hill went up and some of those slopes had to be removed, which have since been removed. Because that was a variance in order to do that, we were very mindful not to exacerbate that, otherwise we would have to ask for additional relief to create additional disturbance. When I talk about slopes, I am talking about excavation of the undisturbed portions of the property. We are not disturbing any more of this property to build this plan.

Member Reuter stated to Engineer Cristaldi he was questioning the expert talking about the curbs and driveways and not wanting to move them. I understand them not wanting to spend the money, but then to talk about it in terms of slope didn't really resonate with me. I was trying to understand that. Engineer Cristaldi commented that the slopes are gone now, so there is no steep slope issue. Member Reuter stated he was following up Engineer Cristaldi's question about asking if they can move the curb and make it bigger and their answer was there is a slope problem and I wanted to know what was the slope problem. Engineer Cristaldi commented that since the roadways were already put in, they would have to cut a portion of what is existing and they wouldn't require a variance for this.

The variance is one component of consideration and if we were to disturb the undisturbed portions of the property, and there are still undisturbed portions in the back of the property. The other components of concern is a sanitary sewer has been installed and detention systems.

Engineer Cristaldi questioned if the detention facility was in the way at all, or could you slide the curb cut portion?

If we were to slide the road across, we will conflict with the detention basin. The detention facility was under a parking lot prior, but the new design is under a green area and a walkway over the top of it. The detention area is located right behind Building 9 so if we started to push the roadway to the west, we would start to interfere with the detention system. The system is not quite low enough for us to just run across it.

Engineer Cristaldi questioned if the Board wanted to, or hoped to have, a little longer driveway than 18 feet, could you slide the road over for a section?

Anything is always possible. The whole driveway is not 18 feet; it is only at one point. It is because we have the curb that it is 18 feet on one edge, but on the other edge it is 22 feet. I don't think the situation would warrant that kind of an impact. I would rather investigate possibly rotating Building 12 counterclockwise a little bit because we actually have a little bit of room to the setback line to do that. That would pull the building away and might even accomplish the same thing doing this.

Engineer Cristaldi stated that I think you'd probably be all right with the 18 foot but, again, the Board needs to be satisfied.

Regarding the reduced-size exhibit that was passed out, looking at the legend at the center of the page at the bottom, you have a green line and a red line and that was meant to help the Board understand which was the old decision and which is the current design. Unfortunately, in our haste, we have noted the colored line backwards.

Green line in the legend represents the application before this Board tonight.

Red line represents the previously approved application.

As you review the site, you will notice there is a large consistency in the curb location because we are trying hard not to move them. What you do see is changes in the building footprints, the building types in that they are slightly oriented a little differently. The previous application proposed 2 – 35 unit condominium buildings in the center. That is what you see right in the center of the site over Buildings 8 and 9 and then over Buildings 6 and 7. That probably is the most substantial change from the old plan to the new. Those buildings are gone, which were three stories of residential over parking, longer and higher buildings and they are not part of this application. In their place, we have proposed a combination of townhouse and condominium buildings. There are market rate units and COAH units. They are 60 – 2 bedroom townhouse units of market rate; 10 – 2 bedroom condominium units of market rate; 18 total COAH units: 3 – 1 bedroom condos; 11 – 2 bedroom condos; 4 – 3 bedroom condos. The total breakdowns are on Exhibit A-1.

The other fairly significant change to the layout is in the back where Buildings 4 and 5 are. The previous development proposed the buildings closer to the roadway and parking would be behind the building and the new plan reverses that. The buildings are now setback from the road with the driveways in the front as is traditional for the rest of the units.

Two significant bulk items to point out: (1) Current plan reduces the overall impervious cover on site. Previous application was proposing 53.2% impervious cover and

the current application proposes 49.5% impervious cover; so there is about 13,000 square feet of less pavement with the current application. (2) The number of parking spaces, as we understand it, is very important to this Board. The previous application, although had more parking spaces, also had significantly more units of which the ratio of parking spaces has been increased in this current application. Previously we achieved 2.34, where 2.32 per unit were required, and the current application has 2.42, where 2.32 is required.

Engineer Cristaldi questioned that they will meet the building height requirement as applied in the calculation of the Borough's Ordinance?

Yes, we will meet the building height requirement. Again, without the condominium or apartment buildings, it is far easier to accomplish with this plan.

Referring to the eight items in Engineer Cristaldi's letter, the dimensions remain unchanged. (1) There is 919 feet of frontage along Fourth Avenue and that is a function of the property size itself. (2) The minimum set back from a public road has changed to about an inch less. (3) The minimum set back to the property line is now six inches less along the northerly property line. (4) Building coverage has slightly increased from 21.52% to 22.7%, which means that there is less parking lot pavement, which is a good thing for water quality. (5) Maximum impervious cover was 53.2% and is now 49.5%. (6) Common open spaces remain. (7) The maximum building length has decreased from 245 feet to 129.33 feet, which means the massing of the buildings is much less. (8) No change in the horizontal breaks in the building façade. There is an Ordinance criteria that requires a minimum 4 foot break for every 50 feet of length.

The section for steep slopes has already been covered. Just to reiterate, there was a variance, or waiver, issued for the previous application and this application does not acerbate that variance. In fact, all the slopes that were proposed to be disturbed, have been disturbed.

The parking also has been covered. The current plan proposes 213 parking spaces. 93 parking spaces are proposed as on-street spaces. They are numbered and delineated and they are available to everybody. The additional 120 spaces are associated with the townhouse style units; one garage space and one driveway space. These townhouses are: all units in Buildings 1, 2, 3, 4, 5, with four units each in Buildings 6, 7, 8, 9, 10, 11, 12 and 13. Those total up to be 60 units with a parking space and a driveway and a parking space and the garage, which added up totals 213 parking spaces.

With regard to sidewalks, Engineer Cristaldi points out on page 5 that there are some areas of the site that do not have sidewalks, specifically in the cul-de-sac area and in between Buildings 6, 7, 8 and 9 and we discussed this with the Applicant and he has agreed to add sidewalks to these areas, to the best that we can and will provide those if the Board should act favorably and have them to the satisfaction of Engineer Cristaldi. Vice Chairman Graceffo, on Fourth Avenue on the opposite side going towards the northerly direction, the plan doesn't show any continuation of a sidewalk there along the street of Fourth Avenue (on the opposite side of your entrance).

There is not a proposal on this plan for sidewalk there. I would have to confirm, but I am not sure that there is sidewalk on this portion of Fourth Avenue. Someone from the

audience said there is none. This portion of the property transitions from the edge of the existing pavement into the return going into the property so we opted to carry this element forward from the previous design where we started the sidewalk on the southerly side of the access to the property and then that carries around the frontage of the property. Vice Chairman Graceffo stated, on the previous site plan you are showing a sidewalk there, along that side.

I apologize for that since it is on our Site Comparison Exhibit in red from the previous application, and the Applicant is certainly willing to add that piece of sidewalk to the plan. Engineer Cristaldi confirmed that it is the section of sidewalk north of the entrance to the site.

Engineer Cristaldi confirmed that the Applicant does not need any variances. The reason why I had those eight items on the report was just to point out that it was good that they left what they had in place because the new Ordinance did not give certain dimensions that the last Ordinance would have required, such as distances to the roadway. This is why I gave the comparison between the two applications to show that, even though we had no dimensions in the new Ordinance, they pretty much held what was in the last Ordinance so that the site still looks the way it did the first time it was approved, but no variances to be had.

With regard to drainage, the detention basin, which was previously designed and approved, is still valid for this new design. Again, we have had a reduction in the impervious cover, which theoretically means the detention system could be smaller, but it is installed and it doesn't make any sense to make that modification so it will be a factor of safety for the drainage in the area. Engineer Cristaldi does correctly point out that, since this system has been installed, but not maintained properly, it is very possible it is silted up and may need some repairs. It should be cleaned out, televised and everyone should be comfortable that it still has the integrity of when it was originally installed. The Applicant has no objection to providing those services.

Also, Engineer Cristaldi points out that, a temporary repair to the drain line on Fourth Avenue must also be addressed along the south side of the project that was left from the previous applicant's installation of sewer main. Referring to Exhibit A-3 "Off-Site Improvement Status Plan", the purpose of this plan is simply to clearly state where the status of each of the off-site utility connections are. The original project came to a halt suddenly, some things were left up-in-the-air that this Applicant is aware of and will resolve as part of this application. Specifically, this comment refers to the off-site sanitary sewer main that runs from Leonard Place down to the corner of our property. In the haste of the previous developer to install this pipe, he encountered a crossing conflict with one of the town's storm pipes. Instead of consulting with his professionals or the municipality, he did what he felt he had to do to make the connection work and, frankly, it is unsatisfactory. Engineer Cristaldi is reminding us all that this has to be repaired and we are submitting Exhibit A-3 as our show of good faith to the Board that we are aware of this and it will be taken care of as part of the public improvements.

We also understand that the Borough intends to pave Fourth Avenue so there is some responsibilities on the Applicant to do this first so that the paving project can

commence. We will work with Engineer Cristaldi to work out the details of that and get that done as expeditiously as possible.

Engineer Cristaldi also confirmed that they are going to clean out the existing line that goes out to the river, and televise it and make any repairs, if necessary, since this is also part of the drainage system.

Referring to Exhibit A-3 and Engineer Cristaldi's comment, there is an existing storm pipe that runs from Fourth Avenue across maybe Borough property and then NJDOT property, and it discharges to a head wall in the back and it is a pipe that has been there probably as long as the Candle Factory. This pipe is expected to be clogged and the Applicant will t.v. that line, repair as necessary and clean it out so it's flowing properly again. We are also just illustrating on this plan that the point of connection from the on-site storm sewer system to where it connects, or where we intercept the storm sewer in Fourth Avenue and you can look to the Site Plan for the details of this, but in conjunction with that, we also are indicating that the pipe that is proposed from that point to its ultimate connection point near Decker Road, also has to be constructed. Again, we are just letting you know we are aware that these issues have to be taken care of. Finally, there is a note that says "connect to water main." In other words, the on-site water system is built, but it is not yet connected to your water main, and we know there is some work that remains to be done on Fourth Avenue to make that connection.

Engineer Cristaldi stated that there is an 8" main in the road, and it is 12" every where else and that last section is still 8" and they are going to upgrade it to a 12" main and get rid of any abandoned valves, etc., that may be in the way and left from the previous work.

Referencing the topic of sewer on page 5, we have just spoken about this but there is also a responsibility just to make sure that this section of sewer pipe is installed properly. It has to be flushed out, inspected and has to be done prior to the Borough's paving project. This, in conjunction with the crossing conflict, will be resolved.

Garbage Collection & Snow Removal: Applicant has indicated that a private contractor will do garbage collection. Because of the configuration of the property, there is not much opportunity to store snow on site, so that will have to be removed from site by a contractor. Mr. Guina stated there are no dumpsters proposed for this project. Garbage collection will be performed through garbage cans and recycling cans, which would be stored in the garages of each residence and in the appropriate trash room in front of the condominium units. I will explain this further when I discuss the architecture.

Water: This relates to the piece of old water main in Fourth Avenue that is 8" in diameter and the rest of the water main is 12" and that 8" piece has to be upgraded to 12" as part of this application.

Project Entrance Sign (page 6): The Applicant has indicated that there will, in fact, be a project sign. It will be in the same location that it was on the previous approved plan, which is at the right of the entranceway. It will comply with the Borough's Sign Ordinance. Engineer Cristaldi wants to make sure it doesn't get in the way of any sight distance. Applicant agrees it will be set back out of the sight line.

Engineer Cristaldi, referring back to the garbage and snow removal, if you handle this yourselves, do they then bill Borough, and how do they handle that?

Attorney Veltri asked the Borough Administrator, Thomas Carroll, to speak about these issues.

Tom Carroll stated that the garbage will be picked up by the Borough curbside similar to what is done at Stony Ridge. They will not have a private contractor. The Borough will do snow removal as we do with all our other condominium complexes.

Attorney Veltri wanted the developer to confirm this, because the engineer said something different. Mr. Gunia apologized. I stand corrected – the Borough will handle all garbage collection and snow removal.

Engineer Cristaldi, referring to snow removal, stated you can't really just plow the road. There is no place to push the plowed snow and, if you do, you have no more parking spaces. My point is this is just not a plowing issue, now you have to come in and physically load and remove the snow and I don't know if the Borough is going to do that. Are they?

Tom Carroll stated, as we do with all of our other condominium complexes, we will come in and the Borough plows the roadways. It is up to the Condominium Association to handle any areas that are not on the roadway; any of the parking areas, sidewalks, driveways. We treat it as we treat any municipal street. We come in, do three or four passes, push the snow to the side and, as every homeowner has to do, they deal with the snow that is on the side.

Attorney Veltri wanted to confirm that Tom's understanding is that the Borough will collect the garbage and plow the roadways. Does the developer agree to that? Mr. Gunia testified, "We agree."

Member Reuter questioned Engineer Cristaldi if he has received a written response to his August 3, 2012 report? Is this the first response you are getting?

Engineer Cristaldi stated, "Yes, this is the first response."

Our Landscape Architect has some nice exhibits to talk about the retaining wall along Fourth Avenue and some renderings of the units themselves. I am going to defer this topic to Mr. McDonough.

Exposed Rock Face: The Applicant and myself have had pretty extensive conversations about this. Our worst-case scenario would be if we have an unstable rock face so the Applicant is proposing to construct a wall out of material known as ready rock. Ready rock is a larger version of an anchor block, or a keystone. It is about 4' in length, 18" to 24" high and intended for larger scale walls. It is very heavy and does not require, in all cases, to be tied in because of its mass. It can be very attractive, the face is textured and has a nice natural look to it. The Applicant does, however, prefer if he can utilize the rock face as is. We know the rock face is overgrown and really doesn't reveal its beauty but it can be a nice feature to this property. The Applicant has already had a preliminary investigation of the rock face by a geotechnical specialist as part of their due diligence in purchasing the property. This was really a look at the surface to see if it was stable and they learned that largely the rock face is stable. Since they are getting into the construction portion of the project, they would like to again retain a geotechnical specialist to now do a

more extensive investigation. The investigation would be intended to answer the question as to whether or not this rock face can be used as is, or if it might need some enhancement to keep it stable. We would like to then provide that information to the Board's Engineer for evaluation. If he finds it to be satisfactory, then the Applicant would like to proceed, either using the rock face as is, modify it as required by the geotech or maybe some hybrid of this ready rock material and the rock face. Worst-case scenario we would use this ready rock material in front of the wall, but we would like the opportunity to investigate the rock face to try and utilize that.

Engineer Cristaldi stated, to the Board Members, that you really won't know what you are voting on; that is the problem. My suggestion is you take the safest thing that you know is going to work and that is what you approve. If they come up with something later, and they find the rock face is capable of something else, they could come back to the Board just on that one particular item. Right now, if you are going to vote on anything, there is a lot of "ifs". What are you really voting on: if it's this, or that. The ready rock they are talking about you know what you would have and it will work however the rock face turns out to be, at least you know what you were voting on. If for someone reason they get a geotechnical guy and he looks at the rock face and he determines that it won't let go any more, they could just come back and ask the Board that now we have the report, can we go with the rock face. What I am saying to you is if you're going to vote on something, know what you are voting on. That's my recommendation. I believe they would be able to construct the ready rock so at least you know what you are voting on, and it would work even under the worst-case scenario.

Mayor Mahler questioned if there was going to be any fencing on the top or bottom of the rock ridge?

Fencing on top for sure. If you had the ready rock system, I believe the fencing at the bottom would not be necessary. If we were able to utilize the rock face and the Board wanted to add to the security and/or safety of the situation by putting up a barrier at the bottom so that folks can't get that close to the wall, we certainly would comply with that.

Attorney Maidens questioned if there was some way of making it possible for the decision to be made that the Resolution authorize one method but a substitution be permitted upon a report by the Board Engineer approving the substitution so the Applicant doesn't have to come back to the Board?

Attorney Veltri questioned Attorney Maidens if she were suggesting we put a condition in saying that the rock wall will be constructed out of ready rock material, and if at some point the Board Engineer finds that the exposed rock base is stable, than the Applicant would not have to use the ready rock material or return to the Board for another presentation?

"Correct."

Attorney Veltri commented that this is up to the Board, but it does make some sense. Vice Chairman Graceffo stated that the view of the Board would be that we would want the exposed rock face to be secure and safe and right now we are looking at it as an unknown. If we prepare it to be basically completely "encased" with the ready rock then we know that is the best-case scenario because nothing that splits, breaks or falls forward is going to impact on the property or the future homeowners. If there is a stipulation that says no

there is something better than the ready rock, we'll determine that by a review of the engineer.

Attorney Veltri stated it is only not going to be ready rock if the Board Engineer determines that the existing rock face is stable and that the ready rock material is not necessary. Rather than have the Applicant re-file an application and come back, ultimately, our engineer has to make a determination anyway and the Board will be relying on that determination.

Engineer McClellan: I am certain the geotechnical investigation will include specific recommendations if there are any issues on how to stabilize, if any, portions of the wall. Everyone will have an opportunity to evaluate not just the report to the condition, but what the solution is or design will be.

Engineer Cristaldi's only question to the Board is, is it your understanding that the findings will show that rock face itself is stable enough to leave it in place or that it needs to be repaired? If it needs to be repaired and they have to start using some mechanical means to try and ensure that it will stay in place, whether its epoxy, or anchors, would you at that point have said, I would rather just have had the ready rock wall in front of it and not have to look at a wall that may have some kind of mechanical means holding it up? My only concern is that the wall is pretty high and if any residents happen to be near it, if something the size of a brick would break loose from the top, it could kill someone, so you either keep everyone away from the bottom of the wall or its put up some way where you can't have anything break free from it.

Councilman Cortellessa stated part of the understanding is that they want to make it attractive so I don't think they are going to wind up jury-rigging some anchors and bolts and things like that to secure this wall because it is not going to have the effect that they want, which is an attractive stone wall. I think this goes back to you again. If they come back and turn around and say they are going to put bolts in this, and are going to use some epoxy glue and rubber bands, then you are going to say "no."

Engineer McClellan stated there are several technologies to do this. The epoxy, for instance, can be tinted so from the ground you may not even notice that there is a repair there.

Attorney Maidens also mentioned the question of keeping people away. Is it possible to install any fencing or anything that would discourage people for coming up near the rock wall?

I think, with the benefit of a geotech report, this may be even a recommendation. I would like to ask Engineer Cristaldi if we can see what the geotechnical engineer suggests.

Engineer Cristaldi believes we have this covered now. The ready rock wall subject to some kind of report should they find something else out later.

Boulevard/Fourth Avenue (page 6):

Applicant proposes a sidewalk on sheet 16 of 18 on one side of Boulevard from Fourth to Second Avenue. Incidentally, that sidewalk was actually installed as part of the previous approval.

With regard to the "bump out" as you travel through the intersection of Boulevard and Fourth Avenue coming from Ringwood Avenue, Engineer Cristaldi is asking us to look at that to see if it can be straighten out. The Applicant has no objection to looking into this,

but we just want to state to the Board that we don't know what is underground there. My recollection from my experience is that the reason why that "bump out" was there in the first place is because there may have been some concerns about the infrastructure underneath. If the Borough has any information they can share with us about it, or if it has since been upgraded, maybe we have to dig some test pits out there before finalizing any design.

Engineer Cristaldi believes there aren't any more water lines out there; I think they were abandoned. Is this right Tom? There may be some abandoned valves.

Councilman Cortellessa asked if we needed a formal response to Engineer Cristaldi's letter or is this testimony sufficient? Engineer Cristaldi stated the testimony is sufficient.

Engineer Cristaldi: Are you going to pave that section? We are paving basically up to your property and then a section north of your property was already done under a road program. The only section of roadway that has been torn up is that area where you come out of your entrance and make a right-hand turn along Fourth Avenue. Are you going to fix that part of the roadway?

Just for clarification, I am exiting the site and then turning southerly – is that the section you are referring to? "Yes."

We are going to have to because that has to be re-excavated to make the water main connection and install the storms. So that will have to be re-paved.

Vice Chairman Graceffo: You are talking about the complete perimeter along Fourth and the Boulevard? That complete perimeter would then be paved once you complete connections, and regrading.

Engineer Cristaldi: We are paving up to Boulevard under the road program but then you may re-align that portion. Or were we stopping at the property line?

Tom Carroll: I believe we are stopping at their property line so they would be paving basically from the perimeter of their property all the way around, including the intersection with Boulevard.

Miscellaneous: The final 7 comments:

Item 1. This is the extension of the road on the southerly portion of the property that provides an emergency access back out to Fourth Avenue and we have it proposed as an open brick so that it appears grass covered. Engineer Cristaldi points out this is difficult to plow and if you prefer we put a more traditional macadam down, I don't think the Applicant would have any objection to that.

Engineer Cristaldi stated that is really an emergency fire access. It is kind of steep and how are you going to plow that? You want this access always available. I don't know if you want that paved, probably add a little impervious area. Since it is an emergency access, I would suggest you pave it so that it connects to the roadway. It just goes from Fourth Avenue to that first intersection. Is there going to be a gate at Fourth Avenue or something? What is going to keep people from entering?

There is a gate proposed at Fourth Avenue.

Tom Carroll: When we have a snow event, if there is a alarm of fire, the snow plow that is assigned to that area, is immediately going to the Haskell Fire House and plowing Fourth

Avenue straight up. If they can't get in for any reason on the regular entrance, they will be able to come through that side area. We would not regularly plow that if they want to go with some other type of material to beautify area, rather than try to invite people from using that as an escape route. In that unlikely event, we are going to be there to plow it anyway.

Engineer Cristaldi commented it may look nicer with the open pavers and the grass. It is up to you guys. Members Slater and Platt commented that the Christian Health Care Center in Wyckoff and The Holiday Inn in Haskell have this.

Engineer Cristaldi stated pavers are fine.

Item 2. Applicant is proposing a lighting plan. The previous application proposed a comprehensive lighting plan which I have with me tonight. The previous plan proposed the same lighting fixtures that were being used on the Ringwood Avenue projects. As long as the Borough is still using those fixtures in their improvement projects, then the applicant will continue to propose this lighting fixture. We certainly can include that in the plan and provide the necessary shielding and lighting levels.

Engineer Cristaldi questioned if we wanted the same kind of lighting?

Tom Carroll: Can we make that subject to review by the Borough? When we did Ringwood Avenue, now ten years ago, JCP&L did not have any decorative lights, but now they do have a decorative light program. I would prefer that they be JCP&L lights because that way it is a single-feed per light and they are responsible for maintaining them. I would like to go that route if we can.

Engineer Cristaldi commented that my biggest concern with site plans and lighting is the neighbors that have lights shining onto their properties or their windows.

The perimeters against the residential properties are actually buffered by the buildings so these lights will be along the roadways and on the interior of the property. A lighting analysis will be performed just to assure that this is taken care of.

Vice Chairman Graceffo questioned if the Board would be able to see a plan before you make the selection?

We would ask for assistance in knowing what the fixture is from JCP&L and then we would provide that as a condition of approval, if the Board voted favorably tonight. Vice Chairman Graceffo would like to see this stipulated as such. There was also a recommendation from Mr. Albert as far as recommending lighting along the walking trail and concerns about the spill over of lights from the townhouses, etc. I think there has to be something a little more specific than what we are just seeing tonight. I would suggest that any lighting plan that is going to be developed has to be subject to approval by this Board on condition of approval.

Attorney Veltri stated we can do it one of two ways. We can do it that way, which is fine, or we can make it a condition that has to be agreed to by the Borough in the Developer's Agreement.

Attorney Maidens stated the Borough has before it the prior site plan that had a lighting plan on it and my understanding is that was approved and also that the Applicant initially proposes to use that exact same plan.

Attorney Veltri stated that we are trying to get away from relying on the last approval. We wanted everything to be connected to this approval so we didn't have to look back at the last approval. That has been our theory throughout the review process.

Vice Chairman Graceffo stated I believe that the lighting plan should be developed and reviewed by the Board and the condition of approval should be subject to that.

Item 3. This is an advisory comment regarding any off site excavations and we'll be sure to include the appropriate details and back fill material.

Item 4. The Applicant will comply with installing a fence on top of all retaining walls higher than four feet and also exposed rock faces greater than four feet.

Item 5. As per pervious water main work requirements, a hydrant is required at the corner of Boulevard and Fourth Avenue to replace the hydrant removed near the outfall crossing. The Applicant will comply with this.

Item 6. This is an appropriate first step to the realignment of that intersection.

Item 7. One of our next witnesses will discuss Mr. Alpert's report on the architectural and landscape details.

This concludes my testimony.

Engineer Cristaldi wants to confirm that testing will be done on the water and sewer. The Ordinance contains references to off-site improvements. Are you planning on doing any?

The plan shows the off-site improvements proposed. I think any further, I will defer to Mr. Gunia for his testimony.

Testimony of David Gunia

Division President of Greentree Development Group, LLC also Greentree at Wanaque, LLC

As discussed previously, Building 12's driveway length is at one corner 18' and the other corner 22'. Our Engineer testified that the driveway is in accordance with the Residential Site Improvement Standard at 18' and 22' at the opposite corner and we propose no changes to the architecture to increase the length of this driveway. If it had to be increased, I would have to look at how we could modify the architectural plans proposed.

We will be installing/continuing the sidewalk along the north side of Fourth Avenue in the front of the property, even though it wasn't shown in the initial application.

The Architectural Plans (Exhibit A-4) submitted for this application calls for four building types. There is a four unit townhouse building; a six unit townhouse building; an eight unit building that includes four townhouses and four condominiums; and an eight unit building that includes four townhouses and four condominiums. The four condominiums are detailed with balconies on the second floor and patios beneath the balconies. The unit layouts for the condominiums are consistent with all condominium units proposed, and the townhouse units are consistent throughout each of the buildings.

The elevations proposed are in accordance with the Ordinance that was recently adopted, which include cultured stone as shown as accents on the front elevations also as water table along the front, the sides and the rears of any building that has exposure to homes or the streets behind. Buildings with elevations that have exposure would be Buildings 8, 9, 10, 11, 12 and 13, and most likely the side of Building 1.

The roofing materials are going to be GAF, 30 year, Timberline Asphalt Shingles.

There is decorative vinyl siding in the shape of shakes in the gables as accents. The horizontal siding is also a vinyl made of maintenance free material manufactured by CertainTeed.

The garage doors are going to be insulated steel garage door with windows.

Front entry doors will be maintenance-free fiberglass.

Windows will be a vinyl product made by Anderson/Anderson Silver Line.

Vice Chairman Graceffo questioned what portion of the elevation is the cultured stone?

The cultured stone would be the areas shown above and around the garage, along the base of the foundation covering the concrete, so rise is approximately 3' from grade level, capped with a sill. The stone would be around the entranceway to the condominiums and the same mirror image on the opposite end of the building.

Vice Chairman Graceffo questioned what material will be used in the area above the garage door area?

There is a decorative vinyl we call viponds. Above that would be a decorative stone arch and the same would be above the windows.

My point is will that be stone going all the way up to the second floor.

Yes. This is stone all the way up to the top of the gable, and there is a 3' rise along the entire length of the building. The gables along the main front would be vinyl. There will be two stories of stone up to the gable; and at the entrance of the condominiums two stories of stone. The stone will also wrap the corners so if you are looking at the side elevations, you will see the stone does return back into the face of the structure. The stone water table continues along the sides of the building at 3' and then again those buildings that face the streets behind and along Fourth Avenue will also have a 3' stone water table with a sill and additional landscaping.

Councilman Cortellessa asked if there was a common attic space that runs across the top of the units?

There is no common attic space. A fire partition wall as designed by the architect separates each individual unit. The units are not sprinklered.

Member Reuter questioned the difference between a townhouse and condominium?

Referencing Exhibit A-5 – Floor Building Plans:

Townhouses are two stories. They have a first floor consisting of a garage, family room, kitchen, powder room and a dining area. The second floor has two bedrooms, laundry room and two bathrooms along with a small loft at the top of the stairs.

Condominium is a single story.

Engineer Cristaldi questioned if any of the buildings facing Fourth Avenue were going to have any stone work or mixture of shingles on the rear of the building, or just siding, for people to see when driving by? Is all decoration on the front of the building only to be seen from the inside of the development?

The rear elevations of Buildings 13, 12, 11 and 10 will have a stone water table approximately 3' high capped with a sill and then vinyl siding will be installed above that, consistent with the bottom elevation shown. Beyond that, we are not proposing any additional stone at the rear of those buildings.

Engineer Cristaldi asked if the retaining wall was staying?

The retaining wall stays and the grade will be level with the top of the retaining wall.

Vice Chairman Graceffo: Do you understand the point our Engineer is making? Buildings 10, 11, 12 and 13, facing Fourth Avenue, are really like a "front" to people driving along the outside. Aesthetically looking as important it is to the interior of the project, I think it is also important to the exterior as far as it appears to the community. Can there be some contrast brought into the back elevations of these Buildings?

Attorney Maidens asked if part of that problem can be taken care of by landscaping in the back of the property to break up the monotony of vinyl siding?

Vice Chairman Graceffo stated landscaping would help, but those buildings are sitting high to begin with, and one thing you are going to see driving in either direction is the top gables of that particular building. Is there anything that can be done with the gables across that back elevation that would give some contrast?

Yes, we could certainly introduce the shake-style vinyl siding in the gables. We have already added shutters and we've added the stone. We can explore different options with the architect and find out where stone would be most appropriate, but because the detailing on the rear elevations is not as uniform and consistent with those areas in the front, sometimes it may be more difficult to find a reasonable place to install stone around patio doors and such. We are open to exploring additional enhancements to those elevations.

Mayor Mahler mentioned maybe using scallops on the gables in a slightly different color and Vice Chairman Graceffo agreed. Rather than having it uniform as it is represented, maybe we can add a little bit more contrast to these four buildings and the Mayor has made good suggestion. Are we going to get new drawings?

We will do that.

Attorney Veltri stated we would like you to go through these renderings because any conditions in the Resolution is going to say that the actual building is going to conform to the rendering in terms of material, colors and things of that nature. It is important for us to get the correct rendering on the architectural now so we don't have to fight about it two

years from now. If we are going to modify it, that is wonderful but we are going to need to see the rendering because it is going to be part of the Resolution.

Attorney Maidens asked the Board to give a more specific idea of what they are looking for, then we can do a rendering and (a) we would not have to come back for another hearing and (b) we can simply quickly do something that would be submitted to the Board. Member Slater offered the suggestion of matching the gable treatment on the front also on the back using the shake effect.

Attorney Maidens asked if this would be acceptable to the Board since the developer is in agreement?

Vice Chairman Graceffo stated he would want to see the rendering. I would like to leave it to the architect to see what he can do in providing us with another rendering as to what those buildings would look like street side, without just being a wall of gray. As granted, there is a need, and it is in the plan, for landscaping and treatment at the bottom of the stone. I believe this is all a plus and am happy about it. All I am saying is that because all these four buildings rise high, and are facing the street, there should be some better aesthetic value to them and I would like the architect to propose that.

I think we can get there and we can certainly include that in the Redeveloper's Agreement that we would propose alternate elevations for those four buildings.

Attorney Maidens stated they can propose a selection of renderings so we are not coming back.

Vice Chairman Graceffo stated that as much as the Board and community would like to see this project more forward, I need and would like to see something rendered. Just going on verbal stipulation is not going to do it for me. There are also other items still open, such as the lighting, which we discussed on how to deal with it to move it along. That is one item and this is a second item. Maybe we are pushing too fast in not having all the detailed information in front of us to feel comfortable in approving it. This is my opinion only. Attorney Maidens understands perfectly, but the details, in a sense, when talking about whether you have a gable that is a better design, does not go to the construction or does not go to the standards of the Ordinance. Those are aesthetic considerations and they are important, but I think they also can be decided without a separate hearing just as the rock face issue could be decided with regard to the Board Engineer. The Developer is certainly willing to show different ideas in dealing with those gables effect and the street effect, and working on those details, and we want to do that and work with the Board on that, but I think we can also do that without imposing on the Board's time and again come back at another hearing. These items, although important, do not impact the Ordinance or meeting the structural and dimensional of the projects.

Attorney Veltri believes the problem may be that the applicant is here for a preliminary and final. Generally, if you were here for a preliminary we could say "conditioned upon" and then look at it at the next application. One of the problems is we are trying to do everything tonight, in one hearing. I think some Board Members feel uncomfortable not seeing a lighting plan and condition upon future submittals after the "horse is out of the barn" so to speak. We can condition it on a Developer's Agreement and pass it along to the Borough Attorney and Mayor & Council, but this is up to the Planning Board. But I think what I am hearing is the stress level of we are doing a preliminary and final and we are never going to see it again. Even if we do, nobody is going to be in the room and then what

do we do? It is really up to the Board on how you want to proceed. If you want the documentation and you want to see and then vote on it, we have plenty of time statutorily. I know there is a stress level of trying to get it done as quickly as we can. Are we comfortable, in one night, without seeing it and commenting on it before you vote or not? There are a lot of ways we can proceed.

Attorney Maidens believes the lighting and the aesthetics of the back of the houses can be worked out. Are there any other specific questions about the architecture that the Board would like to resolve with the developer?

Mr. Gunia testified that in each of the plan sets there are detailed plans that show the layouts of the condominium units and the townhouses. On the first floor there are two condominium units with access through the entranceway in the center of the building. The condo units consists of two bedrooms, one bathroom, living room, dining room, kitchen, laundry room and storage.

The COAH units are largely the same layout. The plans just show the difference of how a one bedroom, two bedroom or three bedroom condo would work to conform with the requirements of COAH. The formula as applied to this project requires a maximum of three one-bedroom units, a maximum of four three-bedroom units and eleven two-bedroom units. The market rate condos we are proposing are all two bedroom units and each of these layouts are in each of the plan sets. The difference between the first floor and the second floor of the market rate units are that the second floor units have the laundry room behind the stairs and a balcony.

The townhouses are two stories. The interior townhouse consists of a garage on the first floor, entry next to the garage and as you enter the power room is on the right-hand side. Further in is the kitchen, dining room and living, which is all one combined space; we call it an open floor plan and that is consistent with most buyers' wants in today's market. The second floor consists of two bedrooms. Bedroom 1 is located at the rear of the unit and bedroom 2 is at the front of the home and the laundry room is adjacent. There is a master bathroom, a large walk-in closet and a guest bath. There is also attic access to ample attic storage above.

The end units consist of an entry from the side of the building into a small foyer and the powder room would next to the stairs. You walk into a dining area, the kitchen area with an island, and a living room (open floor plan). The garage would have a dimension of 12' wide by 22' depth. We are also proposing to install shelving at the front of the garage for storage for the residents; as we were sensitive to the Board's previous comments regarding maximizing the use of storage. On the second floor, the master bedroom would be to the rear of the unit and the second bedroom is in the front. There is a loft area at the top of the stairs with a laundry room behind it. Both bathrooms are located on the left-hand side. A master bathroom with a shower and a guest bathroom with a tub. Above the second floor townhouse end unit, there will also be access to the attic space for storage.

There will also be attic storage above the second floor condominium.

The finishes for the inside of these homes would consist of hardwood flooring on the entire first level of the townhouse. On the second level of the townhouse, hardwood flooring would be installed in the loft area and the hallways leading into the bedrooms and bathrooms. The bedrooms of the townhouses would be carpeted. The bathrooms will be

ceramic tile in the shower and on the floor, ceramic tile around the tub in the guest bathroom and on the floor and the laundry rooms will have ceramic tile floors.

In the condominium units, there will be hardwood flooring installed in the entire unit. There will be ceramic tile installed on the floor and around the tub and showers.

The kitchens will have granite counter tops as a standard with a stainless sink and a stainless steel appliance package will be included with each home, including a refrigerator.

We are also including a washer and dryer in each of the laundry rooms. There will be a granite counter top installed in each of the master bathrooms and a cultured marble top installed in each of the guest bathrooms, along with decorative faucets.

Recess from 10:10pm until 10:17pm

Testimony of John McDonough

I am the Landscape Architect for this project. I was before this Board on the Conversion Application as the Planner. Being as there are no variances associated with this application, we are in full conformance with the requirements of the recently adopted Redevelopment Plan. I am here this evening testifying as an Landscape Architect. I hold licenses in both Landscape Architecture and Planning and have been accepted in both capacities before many boards throughout the State and in the Courts.

I have landscape designs, which is a specific requirement of the Redevelopment Plan to produce a landscape plan that compliments the site plan. It is also a requirement of the Redevelopment Plan that the Town Planner comment on that landscape plan, which has happened. I am happy to report that it is a short report and I agree with everything on it and will refer to the Town Planner's report as I go through my points. I do have six (6) exhibits to briefly go through the elements of the landscape plan.

Exhibit A-6 is an overview of the landscape plan. We have put the plants on top of the site plan that has been prepared by the engineer. The orange colors are the buildings and the gray is the pavement. There are a certain number of elements or layers that are associated with the landscape plan. First we are looking to establish an attractive entry into the development and create a welcoming environment. We have splashed a lot of color into that entryway. The second component is to put forth an attractive face along the perimeter of the property, not only along the public right-of-way on Fourth Avenue, but also to the surrounding properties as well. We've introduced a number of evergreen plantings along the perimeter to create some sort of a buffering and screening effect. Importantly, we are no looking to create a green wall along the entire property perimeter. We are looking to compliment the architecture, not hide it, and blend it into the natural landscape to achieve a balance between the built environment and the natural environment that is around the site. We also have another element to the plan, which is the interior landscape and we've introduced a variety of shade trees. We use a technique in landscape architecture where we hit certain species in one location and then hit them somewhere else so that we mimic the randomness of nature. There are plants in certain locations and we carry them forth elsewhere, which gives the site a nice harmony and natural feel to it.

We have a number of shade trees that are the dominant landscape feature and we've incorporated ornamental trees as well, lower plantings in the form of shrubbery and then seasonal color as well in the form of annuals and perennials. We are looking at over 260 plants that are specifically identified and we've incorporated as the last element a number of plantings around the foundation of the buildings to blend each building into the surrounding landscape so each component adds to the overall aesthetic of the property and will create, what we believe to be, an attractive development.

Exhibits A-7 and Exhibit A-8 are visuals of the entranceway into the development. We have a decorative paved apron at the entryway to the property. We've introduced a center island that will create a traffic calming affect. We've incorporated a green backdrop of lower evergreens and then colorful plantings along the front. We carry that theme onto both sides of the driveway as well. A green backdrop, some color in the front and then we splashed in a number of vertical plantings as well, some shade trees and then some colorful shrubs into the entryway as well.

We have incorporated a monument-type entry sign, which will announce and identify the name of the development, including stone-like materials that will mimic architecture of the buildings and, from this vantage point in A-7 on the left-hand side, we are starting to see the stone wall that carries along the front of the property on Fourth Avenue. You get another sense of that on the left side of A-8 as well, incorporating a fence feature on the top and additional plantings along the way as well.

There was comment from the Board to break-up the mass of the building and, to that extent, on the facades that do face Fourth Avenue, we are incorporating plantings that will help to soften the view of that building. The intent is not to completely screen, but to soften the lines of the building and break-up its overall mass. I believe landscaping can mitigate this concern of the Board.

Exhibit A-9 will be a visual of the front façade of a typical building. Exhibit A-10 will be representative of the back view of a typical building that is interior to the site. Exhibit A-11 is a representation of the back of the building as it faces Fourth Avenue. The only difference between A-10 and A-11 is that we have incorporated the wall feature that would be visual from Fourth Avenue. We have tried to compliment this wall with a number of plantings along the top and also creating a cascading effect with plantings that will not necessarily completely cover the wall but soften the view. We want to try to provide a mix of materials and expose the wall at some locations and cover it up at other locations.

With regard to the Board's concern to break-up the mass of the building, we were actually showing lower plantings to give more open space in the back of these properties, but we can certainly incorporate more vertical features that will help to break-up the overall mass of the building. The developer did state we can change the materials of these peaks on the corners of the building again to change the overall look of the building and break-up its linear mass.

Exhibit A-9 is a view of what we are incorporating at the front of the units. We've introduced more vertical type trees, as opposed to the wider, spreading lollipop canopies. We did this so we don't completely conceal the architecture of the buildings. Vice Chairman Graceffo questioned if these were the trees our Planner suggested be changed, especially because of the root system?

He did and we have agreed to change these columned or linear plants to something known as Zelkova Trees, which has more of a vase-shape, or a wine glass shape, to it so the plant will maintain the base and then open up into a more vase-shape towards the top. It will not have that wide spreading lollipop look of a typical tree. We agree with the Planner's comments on this issue.

Councilman Cortellessa questioned the mature level of the renderings?

These renderings are representative at 5 to 10 years out. I believe your Ordinance calls out for 2-1/2" caliper, which is approximately 10 to 12 feet high. These are certainly higher than that.

At the back of the building that does not face Fourth Avenue, we have incorporated foundation plantings as well, trying to remain some unusable open space behind these units. We are not trying to create a solid evergreen wall along the back of these properties, but to create a sense of openness and usable functional outdoor space around the perimeters of these buildings. We've tried to keep the plantings low because the windows are low to the ground.

This is the essence of the plan. We have talked about the perimeter, interior, entryway, the foundation landscape and this is really on point with the requirements of the Ordinance and your Planner has essentially agreed with this. The plant materials that we have introduced are hardy. The Redevelopment Plan actually talks about urban tolerant plants but knowing that this is not an urban setting, we've put in plants that are certainly very hardy and avoided exotic materials. We have gone with plants that are natural looking and soft in appearance and again mimicking a nice natural environment.

Referencing the Board's interest in a lighting plan, we do incorporate on Exhibit A-8 a sense of the light type that is contemplated for this development and were looking at pedestrian scale, traditional post top, colonial luminary light features which are right on point with what your Borough Administrator talked about and that is offered by the Dusk To Dawn Program under JCP&L. They actually have a light that is right on point with what we are showing in this illustration and is in their catalog. JCP&L typically grids out the foot candles for these type of things so, to the extent that that could be offered as a condition of approval, the Board gets a sense of the look and the feel of the lights and the technical requirement could be addressed through a plan by JCP&L.

There were several comments by the Planner with respect to the landscape plan and we don't have a problem with any of them. The modification of selection of trees was discussed. The planting schedule should be revised to show trees at 2-1/2" caliper, not 2, which is what we had on the plan. A request to show additional shrubbery on the west side of the walking trail, and I believe that is the trail referring back to A-6 that it is in the interior of the development, is certainly agreeable.

Vice Chairman Graceffo questioned if the architect knew what the construction material of the walks would be? The Planner did indicate some concern or some question as to what it could be or might be. What has the developer decided?

Mr. Gunia testified that the material will be a concrete paver consistent with what you see at the entrance to the community.

Member Reuter questioned if our Planner reviewed the plantings inventory that you mentioned earlier?

Yes.

Attorney Maidens stated she had no further witnesses.

VICE CHAIRMAN ENTERTAINED A MOTION TO OPEN THE HEARING TO THE PUBLIC ON THIS APPLICATION: made by Member Reuter, seconded by Member Verba. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter, Verba and Slater.

Let the record show no one from the audience has stepped forward to indicate any concern with this project.

VICE CHAIRMAN ENTERTAINED A MOTION TO CLOSE THE PUBLIC HEARING PORTION OF THIS APPLICATION: made by Member Reuter, seconded by Member Platt. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter and Verba and Slater.

Attorney Veltri stated the Board has to make a decision on whether or not you are prepared to vote tonight or whether you want to hold the application in abeyance until we get a lighting plan and a new architectural. I think we need to start our discussion on that note, and proceed accordingly.

Councilman Cortellessa, regarding the stone wall in the back, questioned if we were letting our Engineer decide on the appropriate solution for that?

Attorney Veltri believes the suggestion was that we were going to condition the approval based upon the ready rock material being put onto the wall; however, in the event in the future, if it is determined by Mike that the wall is stable and safe, then possibly they can use the wall as is.

Engineer Cristaldi stated that he would also be reviewing an assessment of the wall.

Attorney Veltri stated that they can show Mike anything with a conclusion, but it is going to be up to Mike.

Councilman Cortellessa questioned why wouldn't this same approach be taken with the lighting plan, especially when the original lighting plan was approved, and this is fewer units and all interior type of lighting? There is no real exterior type of lighting and appears that the lighting is significantly lower than the height of the buildings. Why can't we take a similar approach with that?

Attorney Veltri stated the only difference there is we do not have a lighting plan in the packet. There is no lighting plan that was submitted to the Board at all for this application. Councilman Cortellessa questioned that we didn't get one for the wall either?

Attorney Veltri explained that normally we don't get that as part of a site plan, that is a condition that has to be addressed. It is not a plan that is required. I think the Borough Administrator made some comment about JCP&L, which hopefully can be weaved into a plan, approved and end it. The only difference is you can approve this plan and defer that condition to a Developer's Agreement. That would take it out of the Planning Board's hands and put it with the Mayor & Council and the Borough Attorney. This is clearly your choice.

Engineer Cristaldi stated that between the lighting plan and the rock wall, the lighting plan would be easier from my perspective. The item I am most concerned about with the lighting plan is that there are enough foot candles on the ground in the areas that they are trying to light, and secondly, that the light doesn't stray onto other properties. As far as the type of fixture, in the end, if the Borough is happy with a certain type of fixture, they can look at that and review it. The lighting plan would be one of the easier things for me to get and review under those conditions. I wouldn't have a problem if this was a subject to condition. With regard to the lighting plan, the Board may look at where the light poles are around the street, but the thing that I am going to tell you mainly is about the foot candles on the ground and the lighting doesn't stray onto other properties. Essentially, that is all there is on a lighting plan.

Attorney Veltri stated that third item would be the architectural. Does the Board want to look at that architectural plan prior to a vote and comment on it, or not?

Engineer Cristaldi stated they have some nice renderings of the rear of the building for the Board to review and whether or not it needed that much addressing to not really look very plain. They are going to see that same rear from within the site too. The only thing nice about having the rear different than the front is that when you are in the site, you look at a rear of a building and you kind of know that the front is around the roadway. This way not everything looks the same on either side.

Councilman Cortellessa commented he would prefer some nicer aesthetics on both the interior rear of the buildings as well as the exterior rear of the buildings facing the road. However, I am not sure that is something we could make as a condition of this approval or not.

Attorney Veltri stated this is a preliminary and final. How do we get them back? We are going to comment on this plan once and it is going to be out of our orbit. We are going to have to rely on our professional. What if you get an architectural next month and you don't like it, worse than this one? Or half the Board likes it and half the Board doesn't like it, how are we going to resolve that if the applicant's gone and the approval has already been given?

Attorney Maidens commented that if the Board could give some selections or criteria, then you would know, at least, that there were be a limit on what the developer could do architecturally. The Board could set the limits so you know it is going to be either this, this, or that and you would be happy with any one of those. This is just a suggestion.

Vice Chairman Graceffo believes the Planning Board's responsibility is to do just that. To determine whether or not the site meets the character and the needs of the community. If we are going to make a judgment on something as important as the rear elevations that front the community, to leave it to just by chance, I think we are giving up some of our responsibility. Recognize that these elevations came to us tonight. We didn't have them a week or two ago where we could have asked a question of the architect or developer. This is in my hand this evening. I have a question about it and I think we are moving it along as fast as convenient as possible to all. I would like to see these particular items. This is my perspective and we will put it to a vote. I would like to see the architect's plan, not what I am recommending. I am suggesting the criteria, but he is the architect that is going to develop the design and I want to see it come back to me.

Attorney Maidens stated that, during the break, the architect did look at the drawings and did do some preliminary sketches and ideas on some of the drawings. Might we give you an idea of those, we can present those now.

Councilman Cortellessa questioned why couldn't we make the back of the building similar to the front of the building?

Attorney Maidens state the developer is willing to do that.

Mr. Gunia suggested that we add a third gable in the center of the building. We install the cedar shake style shingle in each of the gables and in these locations, we install the cultured stone so that each of the gable towers will have stone. If this is acceptable, we feel that this is a significant improvement to what is being shown here. We will submit a revised rendering and make that part of the architectural plans.

Attorney Maidens stated it would be a condition of the approval.

Member Slater commented that they testified that the street lights were going to be all interior so the building screens whatever spill over there might be.

Attorney Maidens stated the lighting is buffered by the housing. The lighting is just for the walkways.

Member Reuter stated that we met as a committee and Gil was a part of the committee. I feel obliged to say what he said and that is he didn't believe in the preliminary and final in the same night. He is not here, he is still the Chairman, I don't know him that well but I think his word should be heard. Also, I see our Engineer's letter of August 3, but I don't see a written response. I am trying to understand what the rush is and I don't think anyone has articulated that to me. I think we have a rush on our side, it sounds like, and they have a rush, and I don't know why. If someone could maybe tell me that would be great, because I feel a little uncomfortable just like the Vice Chairman.

Councilman Cortellessa stated he asked a question about a written response to our Engineer, and I was told that the testimony given was satisfactory to the written response. That was what was stated here, so if we need a written response, then we should have a written response.

Member Reuter stated that he wasn't talking about need, but if there was a rush, then I would have expected a written response would have been made. That is just how business works, that's my point of view.

Attorney Maidens, in response to the rush, stated basically starting construction is a problem with the season change.

Mr. Gunia stated they were trying to keep consistent with what was written into the Ordinance that we would begin this project and end it within a certain time frame. In the spirit of that, we were accelerating and sticking on our plan to move forward. We felt that we had several special meetings, we've introduced the architecture, which really hasn't changed, we've introduced the rear elevations of these buildings along Fourth Avenue, which really haven't changed, and we are in agreement to enhance them. More importantly, in order for us to stay on schedule, our window of opportunity to begin installing footings and foundations and begin the construction of buildings is quickly closing because we are fast approaching the fall and winter months. That was really the thrust behind moving ahead as quickly as possible respectful to the fact that this is being looked at as a new application; however, we were still feeling our way through the original approvals and considering that the changes were minimal, we just obviously wanted to pull it together and move ahead and stay on our schedule to begin construction in the fall and look at spring closings.

Vice Chairman Graceffo understands and respects exactly what you are saying. I think the Board has been very cooperative and the community has been very cooperative in dealing with whatever issue has been brought before us in trying to bring this project to a start, and I think we are not very far from that but, at the same time, I feel like I am getting jammed right now in that either it is tonight or I lose, and I don't want to feel that way. I don't want you to feel that we are holding you back for any unknown reason. We have been here for three hours and a lot has been presented, a lot has been digested and a lot maybe needs to be thought upon and finalized and maybe brought to a final point and then maybe approved. This is my opinion. Board Members you have a right to pass or make a Motion and vote on it and that's what I think we are going to do next.

Mayor Mahler stated that myself and Dominick have been through this before. We developed the Ordinance based upon our consultant and, at that point, discussions with the potential people buying the property. I think what they are presenting is pretty close, with a couple of minor little tweaks, to what we had planned when we developed this revised Ordinance for this property. I am fairly comfortable with it, and maybe it's because I have been working on it a little longer than other members of the Board. We put in this Ordinance that he has to meet certain criteria. Maybe I expected him to be before the Board a little sooner, but it didn't work out that way.

Member Slater would like to hold back, but every time we hold a hoop out, they jumped through it. They made the changes and they're receptive to what we say. You can always put a stop work on the project if we don't like what is being done.

Councilman Cortellessa questioned is there anything other than the three (3) issues that we talked about: the wall, the lighting, and the architectural rendering? Is there any else that is a critical issue here in the decision process?

Engineer Cristaldi stated the Ordinance also has off-site work and they may have to do some improvements.

Attorney Veltri wants the applicant to address the off-site improvement issue.

Mr. Gunia testified that we are in agreement to replace the surface of the tennis courts, which I believe was included in the previous developer's agreement, so we anticipate carrying that forward.

Attorney Veltri stated it was a reconstruction of the tennis courts at Back Beach.

Correct. We are in agreement to do that.

Attorney Veltri: At what time frame? When is it going to be completed? No later than when? Is June 1, 2013 reasonable?

Absolutely.

Attorney Veltri stated this will be a condition in the Resolution.

Yes. We would be in agreement with that. I am also not aware of any other off-site improvement.

Attorney Veltri explained that when he prepares the Resolution, there are going to be a list of conditions and the conditions are going to be broad and then specific. The broad conditions are going to be compliance with all issues and conditions raised in Engineer Cristaldi's report with a date on it, and our Planner's report. I am also going to outline as conditions, the big things that we talked about: the wall; sidewalk; roadway, realignment and paving; water system testing and installation, components that are in the report and the water department's input in those items; all of the off street improvements, including the tennis court component; subject to a Developer's Agreement; a broad condition saying all representations and stipulations made by the applicant and their experts tonight are true and accurate and must be complied with, or the approval is going to be voided. We are going to have a list of broad and specific conditions. With regard to the "no response" question, I have been doing this for 25 years, and sometimes there is a response report and most of the time there is not. Most of the time it is done the way it was done tonight, and the applicant's engineer and expert will receive the Board's Report and specifically comment on each item. Those comments are very valuable to us in terms of what we perceive they are going to do, what they agree with and what they don't. The way we cover it is we refer to Mike's report and we said the applicant has to comply with everything in that report. So, if there is an issue, and there is no response, we are going to look at Mike's report paragraph 6, this is what it says, they don't want to do it, they are in violation of the Resolution. This is the way I interpret it as an attorney and then we are going to do it again in the Developer's Agreement, where they take my Resolution and then they put other conditions on top of my Resolution. Don't feel uncomfortable that you don't have a response from the applicant's engineers because most times you don't get the response in writing.

MOTION FOR PRELIMINARY AND FINAL APPROVAL OF THIS APPLICATION, SUBJECT TO ALL THE CONDITIONS THAT WERE MENTIONED AND PUT ON THE RECORD TONIGHT AND SUBJECT TO THE RESOLUTION: made by Member Slater, seconded by Councilman Cortellessa. Voting yes were Mayor Mahler, Councilman Cortellessa, Members Platt and Slater.

Voting no was Vice Chairman Graceffo.

Abstaining were Members Reuter and Verba.

Motion Carried

PUBLIC DISCUSSION: None

RESOLUTION: None

VOUCHERS: submitted by Steven Veltri, Esq. for attendance at the May 31, 2012 meeting for \$300.

MOTION TO APPROVE VOUCHERS: made by Member Reuter, seconded by Member Slater. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter, Verba and Slater.

MOTION TO ADJOURN AT 11:03 P.M.: made by Member Slater. Carried by a voice vote.

**Jennifer A. Fiorito
Planning Board Secretary**