

REGULAR MEETING

Meeting called to order by Vice Chairman Graceffo with a salute to the flag at 8:15 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 the Herald News on February 26, 2014 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: Chairman Foulon, Vice Chairman Graceffo, Mayor Daniel Mahler, Councilman Dominick Cortellessa, Members Kevin Platt, Mark Reuter, Michael Ryan, Eugene Verba and David Slater

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Chairman Gilbert Foulon, Members Marc Demetriou, Mark Reuter and Michael Ryan

MINUTES: from the February 20, 2014 Meeting

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

COMMUNICATIONS REPORT: None

APPLICATION STATUS: RSK Development Application, which is on tonight's Agenda.

NEW BUSINESS APPLICATION: Ice Cream Store

Property Owner: David & Mary Johnson, 46 Seminole Drive, Ringwood, NJ

Property Address: 1089 Ringwood Avenue, Haskell, NJ

New Tenant: Edwin Colone, 103 Highview Drive, Woodland Park, NJ 07424

Michael Guerriero & Edward Colone of Woodland Park, NJ are partners in the business. We are looking to open up a normal ice cream store, just serving old-fashion ice cream and crepes. No cooking will be done. The crepes only require electric pans. We have been in

the ice cream business for 12 years, and are hoping to open up April 15th, but no later than May 1st.

Councilman Cortellessa questioned if they were going to have tables inside? Mr. Guerriero stated we will not be having any seating inside the building especially since we would have to do quite a bit of work to make the bathroom handicapped accessible for customers. The present bathroom will be for employees only. We presently own Gelati's in Paterson and the social environment is the parking lot, where people get together. We are presently working with the owner to see if there are any limitations with us putting a couple of picnic tables or benches in the back of the building for customers. We know the parking lot is a municipal lot and cannot be used for seating.

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

NEW BUSINESS APPLICATION: Auto Truck Accessories

Property Owner: Haskell Properties, LLC, 16 First Avenue, Haskell, NJ

Property Address: 14 First Avenue, Haskell, NJ

New Tenant: Seth Marcus, 267 Burnt Meadow Road, Ringwood, NJ

Seth Marcus, 267 Burnt Meadow Road, Ringwood, NJ

We have been in business in Riverdale for 17 years and we are looking to expand and this property fits our needs. We are looking to move the whole facility into Haskell and we will be renting. The section I will be renting is about 9,000 square feet, but the building itself is about 30,000 square feet.

The main part of our business is the Zeibart, the rustproofing and the undercoating, but we also do trailer hitches, accessories, lighting, remote starts and window tints.

Manufacturing and assembling is very light, mostly it is accessories added on to the vehicle itself. There are not a lot of chemicals associated with the rustproofing. It is relatively safe. We do it inside with the vehicles on a lift. Zeibert has been doing it for over 50 years. Most of the products these days are water soluble and very, very little d.o.c. We do not need a license from the DEP or State since none of the chemicals are dangerous, flammable or explosive in any way. You only need a basic paper mask to spray most of the products. There are no drainage issues. We keep overspray to a minimum but periodically need to wash the underbody of a vehicle, but for the most part we try and keep it very clean. I do have pictures of my facility in Riverdale. It is a retail establishment so we do keep the exterior clean and we keep the interior very clean too.

Vice Chairman Graceffo asked about the parking spaces. Mr. Marcus stated there are 20 spaces and even a little bit of overflow. There is a fenced-in area around the side of the building by the creek that the owner said we could use for parking, which would be used mainly for our personal vehicles or maybe some overnight storage. We can even enter the building through doors on that side.

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

APPLICATION #PB2013-03 “RSK Development, Block 240 Lots 14, 14.01, 14.02
Property Address: Mountain Avenue, Wanaque, NJ
Application For Amended Site Plan Approval
Authorized Agent is A. Michael Rubin, Esq.

EXHIBITS:

- A1 2003 Approved Site Plan (Last Revised Date 8/26/2003)
- A2 Current Site Plan (Last Revised Date 7/7/2010)

Attorney Rubin gave a brief history of this matter.

A Planning Board Resolution, dated December 18, 2003, gave RSK Development site plan approval, with a number of conditions that had to be met, including approval of other agencies, Developer’s Agreement, etc. However, in 2004 New Jersey enacted the Highlands Legislation which put severe development restrictions on many properties, including RSK’s property which was included in the preservation area of the Highlands Legislation, thus RSK could no longer obtain building permits. RSK did go through a long, complex and expensive procedure in order to obtain the right to build on the property, and eventually did obtain all approvals in order to build these 18 units.

Several months ago, the Board questioned whether this was an amended application based on the 2013 Resolution or a new application. Even though this matter is over 10 years old, site plan approvals in New Jersey don’t have an expiration date. Zoning Ordinances could change, other things could change, but if there is no zoning district change, which there has never been on this property, the site plan approval is intact. I did prepare a brief on this subject and forwarded it to Attorney Veltri and Attorney Fiorello, with copies of all approvals RSK received from all other agencies. Therefore, we are back before this Board for an amendment of the plan of development and we are only seeking those issues that are changed from the original 2003 Resolution. There are two minor variances which we applied for and noticed for. We have mirrored the application today with what the State of New Jersey has approved. We are not doing anything that the State has not already blessed and we are presenting to this Board the exact plan the State approved. The only testimony being presented tonight is the changes to the plan, because everything else is approved.

Attorney Veltri swore in Joseph Gerard Marra, Jr., Site Architect

I am a graduate of the New Jersey Institute of Technology with a Bachelor of Architecture in 1977 and was licensed by the State of New Jersey in 1981 to practice architecture. Since that time, I have been licensed in eleven different states, and am also licensed as a Professional Planner and Landscape Architect. My office is in Mount Arlington, New Jersey.

Testimony of Joseph Gerard Marra, Jr.:

Mr. Marra prepared the plan that is before the Board tonight and also the plan that was eventually approved by the State of New Jersey after several different options were presented. RSK received approval from the NJ Department of Environmental Protection, which was called a “Highlands Preservation Area Waiver Approval”. We were waived certain restrictions that currently exist in Highlands. We negotiated a drastic reduction in the scope of the project and we greatly reduced the scale of the project, the impact on the property, the impact on the Highlands Preservation Area and the environmental issues.

Mr. Marra referenced the approved site plan in 2003 (Exhibit A1) showing 18 units, townhouse design, covering the entire site with a 40’ rear yard setback. 8 of the units were 2 bedroom; 10 of them were 3 bedrooms. The 2 bedroom units were approximately 1500 square feet; and the 3 bedroom units were approximately 1700 square feet. There was one variance granted by the Board and that was for the distance of the building to the internal roadway; the Ordinance required 40’ and the plan proposed 30.6 and that was only on one unit “Unit 13”.

The current plan (A2) shows how the scale of this project has been reduced. There is approximately 185’ to the closest building. The project still consists of 6 different building totaling 18 units, which 12 of the units are 2 bedrooms approximately 960 square feet; and 6 of the units are 1 bedroom units approximately 760 square feet. The square foot numbers do not include the garages, which each unit will have.

The current plan is also asking for relief from the distance of the building to the internal roadway where we are proposing 14’10”, and this is because of the condensed version. Additionally, there is another variance which is the distance between buildings, where the Ordinance requires 30’ and this current plan proposes a minimum of 10’ 6”.

Reviewing the Borough’s Ordinance Bulk Requirements, the property size has not changed. The number of units has not changed; they are just smaller units in square footage. The minimum lot frontage is the same. The minimum building setback, prior approval was 40’ and now it is 189’9”. The maximum building coverage prior was 15% and current plan is 9.8%. The maximum total impervious coverage prior was 45.5% and current plan is 29.6%. The distance between buildings, which was referenced before, was 30’ and current plan is a minimum of 10’6”. The minimum distance to the common parking prior was 27’ and current plan is 29’ and the Ordinance requires a minimum of 15’. The maximum length of the buildings prior was 108’ and current plan is 48’, where the Ordinance allows 150’ (a decrease of 60’). These numbers were approved by the State. Our goal with the State was to maintain the same number of units, but also to provide a less impact to the Highlands Preservation Area as we possibly could and this is the condensed version of the plan. We went through several different alternatives with the State and we finally all agreed on this current plan.

The recreational open space, where 15% is required and prior plan was 27%, the current plan is 35.9%. There is a 15' natural supplemented buffer, which we have maintained with the current plan (as well as the prior plan). The walkways are 4'. The a/c units are behind the buildings. We also have a landscaping plan that was approved by the State.

We had 50 parking spaces provided on the prior plan for 46 bedrooms, and the current plan has 44 spaces for 30 bedrooms, which meets the parking requirements.

Attorney Veltri wanted to confirm that RSK is applying for 2 variances tonight. One is the distance between the buildings and you are requesting 10'6", when 30' is required.

Is the other variance the distance of buildings to internal roadways? Mr. Marra stated "yes" to both items and stated, with regard to the distance of buildings to internal roadways, we are requesting 14'10" and 30' is required.

Attorney Veltri confirmed that the Ordinance requires 40', not 30'. Mr. Marra apologized for this error; 40' is required.

Attorney Veltri questioned Mr. Marra's testimony that the prior approval was for 10 units with 3 bedrooms and 8 units with 2 bedrooms. Mr. Marra stated that was correct.

Attorney Veltri questioned how did you come up with the new ratio of 12/6? Mr. Marra stated just by the size of the units. That is as much as we could get into the building. The buildings are much smaller.

Attorney Veltri asked if this was approved and Mr. Marra stated yes.

Attorney Veltri is looking at a report dated October 14, 2011, page 8 of 13, and doesn't see that ratio in the report. Mr. Marra stated that the architectural plans were never reviewed by the State, only the impact and coverage. On July 18, 2011, we did provide the State with the prior approval of units as to the size and number. If they did not memorialize that it is probably because they never had the actual architectural plans.

Attorney Veltri believes they may have had the plans because page 8 of this report states, "After much negotiation, RSK has significantly reduced the size of the dwelling units from 3 bedroom units, between 1600 and 1700 square feet, to 2 bedroom units measuring 960 square feet." When I read this, the 3 bedroom units approved are now going to be 2 bedrooms. The report goes on to talk about the 2 bedroom units that are going to be reduced to 1 bedroom units of 760 square feet. I wasn't there, and I can only read what is in front of me, but the waivers were based upon these reductions and I would assume at the same ratios that were approved prior originally. Mr. Marra stated the waiver was based on this group of site plans that are noted, as well as the drainage plans. The architectural plans that the Board has are dated July of 2013 so they never went to the State. The State strictly looked at the site plan issues and the zoning schedule was always a part of the site plan approval and the zoning schedule has a calculation for 6 – 1 bedroom and 12 – 2 bedroom units.

Attorney Veltri stated our concerns are that you are coming back to us based upon what the State approved, and that is what was indicated in Attorney Rubin's opening remarks, and that this application was going to be consistent with everything that the State approved. I do not see those ratios in the approval and there is a paragraph at the end of this report that says, "If RSK does not accept or agree to this document in its entirety, they can't begin any site disturbance." I don't want to create a problem for everyone with us

not knowing what the State meant regarding the number of units and the bedrooms of those units and possibly grant an approval that is going to create more confusion.

Mr. Marra stated the document dated October 14, 2011 is the document that grants the approval and that lists the plans that were approved.

Attorney Veltri referred Mr. Marra to page 8 of the report, first paragraph, and what it says is that the 3 bedroom units were going to be reduced to 2 bedroom units and the 2 bedroom units are being reduced to 1 bedroom units. I have to infer that they knew what was approved and that they wanted those reductions in accordance with the ratios that were approved, not the ratios that you are giving us tonight.

Mr. Marra stated that the ratios I am giving you tonight are on the approved plan. They are listed under the parking requirements and, if you need clarification on that, we would be happy to go back to Mr. Reilly's office at the department and clarify the ratios and what they meant by the verbiage in the report.

Attorney Veltri would like the clarification since it would be very helpful. Mr. Marra stated they would certainly do that.

Attorney Rubin stated it should be noted that what Mr. Marra was testifying to regarding all of the requirements and what was approved and what was to be amended was attached to the Board's Application For Hearing. The graph, which contained all those numbers and information, is page 3 of the application.

Attorney Rubin confirmed that Mr. Marra's testimony is that the State and whatever agencies have looked at this site, the bedroom configuration is in accord with all approvals. Mr. Marra agreed and reconfirmed that this is his testimony before this Board.

Attorney Veltri reiterated that Mr. Marra will get the Board some type of clarification on this issue. Mr. Marra stated he will. I will contact the DEP with that question and request written clarification and I am sure we will be able to get. I know it was approved and it is on the approved plan and won't be an issue to get.

Mr. Marra continued his testimony. Looking at the plan from a landscape prospective, there are over 300 plantings proposed around the units. There is also a line around the property that separates disturbed areas from undisturbed areas and part of the State's approval was they are requiring the undisturbed areas to be deeded to the State as a Highlands Preservation Area. We are in the process of getting that document approved by the DEP and when that document gets approved, it will pretty much be the outlined area. In the area that is in the preservation area, we are being required to do the following: (a) upland forested area to remain and to be mitigated with planting trees on site in accordance with the Tree Replacement Factor resulting in 204 trees per acre with a minimum 2" to 2-1/2" caliper, native species, planted in a cluster spaced from 6' to 10' apart, planted in a staggered, non-linear pattern. More than one species shall be included. 2/3 of planted trees shall be dominant tree species typically taller than 50' at maturity and the remaining 1/3 shall be understory tree species that typically grow to height of less than 50' at maturity and a minimum of 4' to 6' in height. We will be planting, in addition to the over 300 plants on the disturbed area, an additional 204 trees per acre, or a total of 272 trees; 179 of which will be large canopy and 93 will be understory trees, and part of the plan the State has instituted requires a maintenance program on those trees and a

recording of the progress of those trees over the ensuing years. There is great deal of work that is going to be done to the preservation area as well.

Those are pretty much the big differences between the two plans.

Attorney Veltri questioned if the size of the 2 bedroom and 1 bedroom units are in accordance with the October report from the State? Mr. Marra stated “yes, they are”. Vice Chairman Graceffo questioned if the State recommended what the square footage of the units should be? Mr. Marra stated that they did not recommend them. We developed them in the planning stages, presented them, and the State approved it. We were trying, all those years, to maintain the same number of units, but just reduce the scale. We were able to do that, after a lot of design work. The ground floor has a 2 bedroom unit, with the 3 garages. On the second floor there is a 2 bedroom unit, and a 1 bedroom unit. Each of the 6 buildings has 2 - 2 bedroom units and 1 - 1 bedroom unit.

Vice Chairman Graceffo questioned how many applications by developers in the entire State in the preservation area were actually given this kind of approval? Mr. Marra stated RSK was the only one in the State to get this approval. I think most developers are not willing to go through the expense, effort, courts, planning and environment work. There are four waivers in the Highlands and this is the only one we could get. It was a waiver for takings. Because the project was approved and there was a great deal of expense put into it, the State considered it. They just didn’t grant the approval. We had to fight for every square foot of development. We reduced the scale and scope of the work, but we are getting waivers from certain requirements of the Highlands, which are listed on the site plan, i.e., impervious area, buffers to open waters, and slopes.

Vice Chairman Graceffo questioned if the builder was ever asked or presented to be compensated for this site development? Mr. Marra stated “yes”. Part of the waiver required the developer to offer the property for sale to several environmental and state agencies, as well as the general public. It was advertised and the property owners within the vicinity were noticed and no one expressed an interest in purchasing the property.

Attorney Rubin mentioned to Mr. Marra that we haven’t mentioned the affordable housing portion of the project. Attorney Rubin stated that when we received our 2003 approvals, there were 4 affordable units. Have these units been consistent right through the approvals with the State? Mr. Marra stated “yes, it is always shown as 14 market rate and 4 affordable units”.

Attorney Veltri questioned how many COAH units are going to be 2 bedrooms and how many 1 bedrooms? Mr. Marra believes that has not been decided and I don’t know how that will be decided.

Attorney Rubin believes you are supposed to use the same ratio as your market rate. If you have 50% two and 50% ones, you are supposed to reflect the same numbers. Attorney Veltri agrees with this comment and stated that is why the ratios are so important. Mr. Marra believes there will probably to 3 – 2 bedrooms and 1 – 1 bedroom.

Vice Chairman Graceffo and Mayor Mahler questioned if the property was offered to the State and the County Open Space? Mr. Marra stated he does not remember who we offered it to. We were given a list of agencies that we were required to contact. It was offered publically, offered to the neighborhood, offer to the various agencies that we were directed to go to by the DEP. I don't think we even got a response from anybody.

Vice Chairman Graceffo believes it appears, from what is being presented tonight, is nothing more than taking of the site plan approval and just shrinking it from something that was in, the town's prospective, something that was viable as a good project. As I look at the project now, just by taking it and shrinking it, it really is not desirable in terms of its sizing. These are going to be basically condominium units? Mr. Marra stated condominiums or apartments.

Vice Chairman Graceffo is concerned that I think they are going to end up being really garden apartments and, especially looking at the sizing, 960 square feet for a 2 bedroom, 760 square feet for a 1 bedroom, they are really tiny in a sense of what is prevalent in the immediate area around this project. I am concerned as to what that will end up being in terms of a final and finished developed site. I respect the right of the approval given to the applicant, but what I am ending up seeing is a site presented that is going to be, I think, an undesirable view for what we want in that neighborhood. If you look at the elevations, we are looking at a wall of three garage doors, that are basically 9' in size, and the total parking spaces include the space in the garage. You are going to have a 960 square foot 2 bedroom unit, which is small, and people are probably going to have two cars so the garage will probably be stacked with storage, rather than cars. Where do we put the excess cars? You have the spaces according to what the plan is, but the effect is not going to be the same. Those doors are about 9' apart and if you have three different families parking in there, they are going to be side by side with parking spaces almost like a small parking lot. I am sure they are within the code of a parking lot, but not within a viable visionary spot. You are going to have like a parking lot in front of your house since probably one car is going to be in the driveway and that in itself is going to be close to the edge of the street because the driveways in some cases are only 20-25', and cars are basically 20-21'.

Mr. Marra stated that all the driveways are 25', at least, and 12' wide spaces. There is ample room for the people to park their car in the driveway. In addition to the driveway parking, there are some overflow spots; 10 in the front and 4 in the back. What the people do with their garage is up to them and I can't speak for them as to what they will use it for. Vice Chairman Graceffo understands that, but I just don't want to see an area that becomes congested and unappealing and unattractive to our community, and that is what is going to be created. When looking at the elevations, you are looking at 6 buildings which, to me, it is not very appealing and you've got side elevations; one of which you have stairways, and the other side is completely blank.

Mr. Marra commented that we had a beautiful project previously approved by this Board. This new plan is not by our choice but this is where the project was pushed to by the State because of Highlands. In fact, the DEP wanted us to put a high-rise on this property and this Board said no way and to tell the DEP we liked what we approved. This project is going to be built by professional builders, built first class and to all building codes, full sprinkler system, with two accessible units with handicapped ramps. The developer

believes these are going to be starter homes for young people who are professional people. There are markets for units like this.

Vice Chairman Graceffo stated that we have a pretty decent success story in the community and not one of the units were projected at these sizes. In fact, they are probably double the size and they sold out within a short period of time. I don't think these are the kind of units that are going to sell. I think they are going to be rented because no one is going to invest monies into something that small that is not going to be more permanent living. If they are going to be "starters", they are going to be there for a year or two, they are not going to invest for the purposes of ownership. They are going to invest for the purpose of rentals and that is what we don't want.

Attorney Rubin wanted to remind the Board that the question of condominium ownership and rental is no longer a land use issue before a Board. Our courts have said this is not an issue for the board to decide upon. Vice Chairman Graceffo is not denying that but believes rentals are more undesirable for the community.

Councilman Cortellessa stated it sounds like your negotiations with the State were designed to maintain 18 units. I don't believe the State is dictating that you have to have 18 units; they were dictating the scope of the space regarding Highlands. I understand the financial issues here, but why not reduce the number of units to create an environment and units that are much more attractive in this particular site that is more acceptable to people, and we create an environment that has quality for our community. I do care whether they purchase or rent because I think that will become an issue. I think you need to look at this a different way. I am uncomfortable with the size of the units. The Vice Chairman talked about a new development that had sold out quickly, was high quality, larger units and appropriate for the area, and they will probably expand to do another development. I happen to live in a condominium environment where the units are nowhere near this small and you really need to consider this when you think about a 960 square foot apartment, with a bathroom and kitchen and the scope of size. I am just not comfortable with how this whole project is going to look with the number of units, the size between the buildings in terms of the 10' variance that you are looking for, the parking issues that we may face, and the quality of what I see right now. My desire is to make sure that whatever we do in this community is a high quality development that is appropriate for Wanaque. Right now I am not really comfortable with what I am hearing and I think you should look at this in terms of, "Can we reduce the number of units and get closer to what was originally planned?"

Vice Chairman Graceffo agreed with Councilman Cortellessa's comments and also reviewed the variances requested. You are looking at a reduction between buildings from a requirement of 30' to 10'. To me, this begins to look like a stack of row houses and, in terms of my view, not a very appealing sight. Also, I can't understand why the State never received from you any architectural plans, is that correct? Mr. Marra stated they never asked for them.

Vice Chairman Graceffo can't understand this. The State is basically saying this is an important area, important environmental area we need to preserve and we have a law to enforce that, we cannot maybe hurt the developer completely because of his investment in

time and costs, and no one offered to purchase the property, but they were not very concerned about what Wanaque ends up with. The State just said shrink it down, it is yours, and here are the approvals. So now we have a shrunken small little development that is going to look like exactly that. Attorney Rubin stated they didn't even make an offer or say they had any interest in purchasing.

Councilman Cortellessa questioned what are you expecting the prices of the units going to be? Attorney Rubin doesn't know the answer to that.

Mayor Mahler questioned if Wanaque was offered to purchase it? Mr. Marra and the applicant stated "yes". Mayor Mahler asked if he could get, and would like to get a copy of whatever was offered to Wanaque and the County of Passaic Open Space Committee. Attorney Rubin stated apparently they used a list that DEP provided the developer and I have no knowledge of this information.

Attorney Veltri reiterated that we would like a copy of this and Mr. Marra stated, "we would be happy to provide that." I know the property owners within 200' were notified. I don't know who else, but there is a list of agencies.

Mayor Mahler stated he knows this project was approved a long time ago, but recent projects that have come before this Board, we have asked for upgraded amenities in the facilities, i.e., granite countertops, upgraded cabinetry. If people are building in town, we want upgraded units, we don't want the builder's special. Attorney Rubin stated we could do that in the Developer's Agreement.

Mayor Mahler, referring to the question of the number of unit ratio being 12 and 6, the approved Resolution from 2013 says 9 and 9. So, if there 9 – 3 bedroom and 9 – 2 bedroom, and reading through this letter from the State which says all 3 bedrooms shall go to 2 and all 2 bedrooms shall go to 1, it seems to me it should go to 9 and 9.

Engineer Cristaldi stated that is the way your parking has been calculated too, based on 9 and 9. If you look at the proposed parking on the original plan, you have 18 spaces for the 3 bedroom. You need 2 spaces per 3 bedrooms, which means 9 units. The same goes for the 2 bedroom units. Mr. Marra stated he sees it on the older plan.

Attorney Veltri stated that is what the Resolution states as well, 9 and 9.

Mr. Marra stated 9 – 3 bedroom and 9 – 2 bedroom is what we originally asked for and got approved. The current plan is actually 12 – 2 bedrooms and 6 – 1 bedroom.

Attorney Veltri stated that we believe you were mistaken before when you said it was 10 and 8. This is what we are trying to point out. It was never 10 and 8; it was 9 and 9.

Mayor Mahler stated that the letter from the DEP says the 3 bedrooms shall be reduced to 2 bedrooms and the 2 bedrooms shall be reduced to 1 bedroom, so that seems to be 9 and 9 in my mind.

Vice Chairman Graceffo stated that still does not resolve the problem in terms of the reduced sizing of the entire development. There is less area to build what you want to build. I am saying rather than having 18 units, maybe we can go down to 12 units and get better looking and larger sized units and you won't need some of these variances, i.e. distance between buildings from 30' to 10', and distance from roadway from 40' to 14'.

Attorney Rubin reminded the Board that if the units were decreased, the affordable housing units would have to be decreased and I believe you have been using that 4 in your calculations for the State. Vice Chairman Graceffo stated you may be right, but right now there are no laws on affordable housing. Vice Chairman Graceffo asked Mr. Albert if he had any input on the affordable unit.

Attorney Veltri swore in Ken Albert
Ken Albert, 9 East Street, Englewood, New Jersey
Planner for the Borough

Mr. Albert stated, just as a matter of clarification, through the years in terms of the housing element, there have been 3 units; 3 affordable housing units attributed to this development, rather than the 4 units as has been discussed.

Attorney Veltri stated that, if we reduce the number of units, it may not impact our plan. Mr. Albert stated if you maintain the bedrooms, just as an example, there are 27 bedrooms. If you go back to the original approval and superimpose the State's reduction of the 50/50 split between the 1 and 2 bedrooms, you get 27 bedrooms, which could be conceivably 9 quite substantial town homes, although I am not proposing this. I don't know if this is what the applicant wants, but it just seems like a much more substantial project, certainly more saleable and I don't see any reduction in value. In fact, on the contrary, given the recent sales in Wanaque, I see quite an increase in value.

Mayor Mahler questioned the size of the garage. Mr. Marra stated I am not sure it is dimensioned on our preliminary plan. Mr. Mahler stated we have a problem with the condos by Back Beach that the garages are too narrow. Mr. Marra stated the garages are 12 x 20. Vice Chairman Graceffo commented that not every American made car will even fit in there. Mr. Marra believes that the owners will be driving economy cars, not large SUV's.

Vice Chairman Graceffo stated the bottom line is it feels like a miniature village being created because of the reduction of the Highlands Act. I don't think we are creating anything that is of value, even for the developer. I think you have to look at it from a different perspective. You have site plan approval, it's just a question now of how to accommodate what you have left in terms of property to build something that is decent for the community. Right now what is being proposed, from my perspective, doesn't seem warranted as a good developing project. We are not trying to get rid of you. You have been around for over 10 years. It is just a question of getting the right project finished off in that area.

Member Slater questioned what happens if you go to the State and say we negotiated with the town down to 12 units, are they going to say yes or no? Attorney Rubin stated that we cannot go beyond the footprint that the State approved. Member Slater question if that was the limiting factor, the footprint or units? Mr. Marra stated he believes it is the disturbed area, but this would entail re-engineering the drainage, the environmental aspects in that area, lot coverage, etc. It would be a fairly lengthy and expensive process.

Engineer Cristaldi questioned the type of storage in the 1 bedroom units (760 square feet). Mr. Marra stated that crawl spaces are being contemplated. There is a closet in the bedroom, closet at the entrance, a small kitchen, bathroom with a washer and dryer, and living room. There are three closets. Engineer Cristaldi questioned where would he keep a bicycle and this is a problem with small units, there is not enough storage so the garage will be used for storage, not parking. Mr. Marra stated he can hang it from his garage ceiling.

Attorney Veltri swore in Stanley Kazanowski, owner of RSK Development & Developer

Testimony of Stanley Kazanowski

I am the developer and was before this Board some 10 years ago. After I obtained my Board approvals, I found out I was subject to the Highlands legislation and went on a quest to obtain Highlands' approvals, which I had to do because of the issue of not having water in Wanaque to supply for my project. If you recall, it was a very long process and when I did actually have the approvals done, there was no water for the site. I believe I have water now.

It seems like the Board is a lot more comfortable with the original plan, which I was very comfortable with as well as Mr. Marra and Attorney Rubin, but it seemed like I had a very big uphill battle back then. The Board did everything to make it as hard as possible for me to have these approvals. I had to measure fire trucks, go through wetlands and went through every possible hurdle and I would not quit until I got it done. I finally got everything completed with a beautiful approved project, which took about two years. Then the Developer's Agreement was another long process but I got through that hurdle. Then we had no water for the project. Somehow Pulte Homes had water for their development, but I didn't have water. I finally got the water approval which took quite a bit of time. Mayor Mahler questioned why you didn't have water for the project? Mr. Kazanowski said because Wanaque had no water. I have a letter from Mr. Tom Carroll.

Mr. Kazanowski continued that this project started to be a COAH project. Why I got interested in this project and the way it was set up, there had to be 4 low income units. That is why this whole project got turned into a development in that small area of property was for the COAH situation. Also there was sewer allocation for it and when I needed the sewer, the sewer system wasn't adequate so I had to wait to get that and that was finally approved. I submitted all my permits to the DEP and everything was okay. All of the sudden, the Highlands Act came in effect and they went back six months and pulled my permits. Ever since then, I have been trying every possible way to get something approved. At the end of the day, I felt like nobody really wanted the original project because it was too big for that little area. Now we have downsized it to this smaller project here and now what I am hearing from everyone is that this is not the project we like. I am trying to work with everyone here. All I want to do is recoup the investment I have into this project from the start. I feel they put the Highlands Act into effect but they didn't think about the recourse on people that had money invested. The reason why I fell into this situation was because this project had approvals and everything was already done so it was kind of a unique situation for the State. I told the State I had everything done and if I can't build it,

give me the money back I have invested and I even gave them all my receipts. I told them if they gave me my money back then I would happily leave this project and it can be left as vacant land. State said we don't have the money so we are going to have to work something out and have you build it but you'll have to downsize it. After years of working with the State, they finally approved this new plan before the Board. If I go back to them again and tell them the Board doesn't want this, they want something else, I don't even know what the next situation is since a lot had to do with engineering and the drainage, the calculations for the water runoff. This was all put into one package.

I am willing to work out whatever would be feasible and practical to everybody, but not to take another great amount of time. I am open to whatever will work, but I just don't know what would work that would be practical to everybody - the town, be a nice site and I could be compensated for my costs, and the people that live in the town could actually benefit from the project. I am the first one in the State to have this approval and after I got it, the State changed it again. Probably no one will ever get it again.

Attorney Rubin questioned Mr. Kazanowski if he was the one that saw the requirements for sending out letters to other agencies and do you recall what other agencies or entities were on that list? Mr. Kazanowski stated they gave him a whole list of them. I had to send it to everybody. I even offered to make it a park. At the end of the day, they gave me the permission to build on this land on this footprint. They are adamant to stay within the footprint and said I could keep the 18 units but shrink them down, so we are only using the front of the property, not the back. Basically, they took the whole project and they kind of pushed it right up to the front and the rest of it has to be deeded as conservation and I can't do anything with it, but I do have to put plantings in.

Vice Chairman Graceffo stated this is obvious from what is being presented. They took everything and shrunk it, but it doesn't end up being a viable project.

Mr. Kazanowski offered to call Rick Reilly at the State and speak to him and tell him Wanaque isn't really happy with what is here, what can we do without using a great period of time frame, but make the project beneficial to Wanaque and allows me to recoup what I have into this property. I want to do something nice on the property and I agree with you and am open to the Board's suggestions.

Councilman Cortellessa again requested if the number of units can be reduced. For example, if you reduce all the 760 square foot units, that is @4500 square feet that you could add to the remaining units and get up to units that are maybe in the 1400 – 1500 square foot size, and putting them in the current footprint would provide greater distance between buildings and reduce the number of units. We know you need to recoup money, but within the same footprint, you would have bigger units, maybe crawl spaces/basements as suggested, maybe the garages would be different, the space between the units would be different and the drawings might be more attractive. Even the sidewalks, roadway and everything would appear to be a much more attractive environment. I think the pricing would be better. I struggle to figure out what you can get for a 760 square foot unit in this marketplace. Is this a possibility and maybe even do it without going to the State?

Mr. Kazanowski stated if we kept the footprint I don't know if this change would affect the COAH units. Maybe if we had two units, instead of three in each building, and the units would then be bigger, it may be more desirable for somebody and there would be more "elbow room". We can look into this. We would keep the footprint and make it smaller but more desirable and more bigger insider. If we had ten bigger units, that would be better.

Vice Chairman Graceffo stated that is the approach we would like to see taken. What has been defined here is the area that the State has said this has to be Highlands protected, and you cannot do anything with it. But from that point forward, that is a parcel of property that could be redeveloped but be more desirable and attractive and be something that is going to meet with what has been going up in the community. I would think the State might be pleased if we got less units and better looking units. I think they should be accommodating to both the developer and the community in terms of developing the property and just making it a better development.

Attorney Rubin stated one of the issues that none of us are going to have any control over is the 4 affordable housing units. If the State says, in its wisdom, that we are locked into the 4, then that is a problem.

Mayor Mahler questioned Mr. Albert if it was 4 or 20%? Mr. Albert advised that there are two different things going on. One is the housing element and we have committed to 3. However, as this evolved, there is also the COAH requirement and that was 20% at one point, so that is what they are basing this on. Right now, there is no third round, but that is another thing that is going to be superimposed on all of us, but we don't know so I can't answer your question.

Councilman Cortellessa stated, even if we had to stay with 3, and we went to 12 units, we are physically eliminating two buildings, so you can put into that same footprint fewer buildings, satisfy the COAH need, larger spacing and a much more attractive environment. I would like to see you maybe go back and provide a new plan staying within the same space, trying to maintain the COAH requirements, trying to put together the number of units, reducing the number of buildings, increasing the distance between buildings, addressing the issues of the roadways, etc. and see if you can get it done with maybe 6 less units. This way the project is more attractive to the community and neighbors. Do you even have to go back to the State and tell them you are changing?

Mr. Kazanowski stated if I change this, wouldn't I have to change the engineering and everything else because of the drainage, etc.?

Mayor Mahler questioned Mr. Albert that if we downgraded the project to 13 units: 10 market rate 2 bedrooms; 2 COAH 2 bedrooms; and the last unit being a 1 bedroom COAH. Would this work for COAH?

Mr. Albert stated they will have trouble with the distribution. They want the distribution to match. One thing to consider is if the developer wants to retain the footprint and reduce those units, for example, down to 12 and redesign the outside for a more valuable and desirable duplex units, the front will only have 2 garages at most, and his COAH requirements were then reduced to 2 units, which would be valuable to the developer, the risk is really on the town's part. We would be 1 unit shy in our housing element and perhaps we can research that and see if we can revise our housing element. Keep in mind,

there is no COAH requirement today and I think we have the flexibility to do that, it is just that at the end of the year when COAH does have the third round, and they question the missing third unit, we show good faith that we have 2 COAH units, have 10 market rate units and the developer has profited. We are left with a risk; it is a one unit risk that we need to find somewhere, but I find it hard to believe that we couldn't find it and revise our housing element. It is just a thought that provides flexibility.

Mr. Kazanowski stated the engineering was a long process, but I think if we make fewer units, but the shell itself stays the same and the drainage and everything else would stay the same, I don't think that would affect anybody. If I have to change the site and move everything around, that would be a problem, i.e., the grading, storm drains. I was always working with these 18 units because of COAH and having to have the 4 low income units. If we can have bigger units, with less COAH, I think that could work.

Vice Chairman Graceffo stated if you cut out a building, you are going to have less drainage. Mr. Kazanowski is afraid that he would have to redo the engineering and go back to the DEP. I really don't want to go back to the DEP because it is a time consuming and tedious process, and they are relentless. I would rather work directly with the Board.

Mayor Mahler doesn't understand why the State wouldn't allow the town to determine the footprint as long as we stay out of that one area they carved out as the preservation area. I would think they would want the town to have input in the footprint. Mr. Kazanowski stated they tried that when they sent me back to the Board to put a skyscraper, one huge building in the middle of the property.

Engineer Cristaldi mentioned that maybe, to try and balance everything, instead of re-engineering everything, do just a preliminary layout and bring it to the Board and let them look at it. If they are okay with it, go to the State and tell them this is what the town wants and it is very similar to what you wanted, and ask them if they would have a big problem with it. This way you feel out both parties before you go into too much work on the plans. Mr. Kazanowski stated we gave the State about four different projects, and since the property is more longer, than wider, for the fire trucks to work and the turning radiuses and the parking, and terrain, they ended up going back to this plan as being the most feasible way to use the property. However, I can try and feel them out and give them a call.

Vice Chairman Graceffo reiterated what Engineer Cristaldi mentioned. I think it would be a good approach if you come back to us initially with some kind of a plan that fits within that footprint, the way you think it would best work for you, and then maybe we can work together going to the State. We can show that we maintained what the State wanted and preserved land, but what is on the inside is our responsibility, not what the State dictates to us. I would think they should have some sensitivity to what we want as a community versus what they want to dictate to us, while still meeting some of their requirements.

Attorney Veltri wanted to address some of the comments made by Mr. Kazanowski. Both Engineer Cristaldi and myself want Engineer Cristaldi to put something on the record based upon what he is hearing.

Engineer Cristaldi stated if you change the site plan around a little bit, even get rid of a building or two, it isn't going to really adversely affect your engineering work. The seepage pits is all designed already and there is nothing wrong with the sizing of that. You are not increasing the impervious area, so that is why I am saying to you to come back with a layout of the buildings and how they are going look and fit on the site. Once that is determined, you have enough design capacity to just connect them.

Mr. Kazanowski asked would it matter to the State if I moved around the curb or the storm drains or the sewers, is that going to be a situation with them. Engineer Cristaldi said "it shouldn't be, no." You are not changing the impervious area. You are just going to try and relocate the buildings and connect to the pits if that is where the State wanted them. Just move the buildings around and make them the size you need to satisfy what the Board is trying to achieve. Instead of redoing all the engineering design, just come up with a preliminary layout of the buildings so they can see what it is you are doing. If the Board is okay with it, now you have something to go back to the State with and tell them this is what the Board wants to see and it is very close to what you had and it is a little less intense and I am not taking away any of the infrastructure you asked me to put in the plan. I think you have a shot at getting through with this. Mr. Kazanowski stated one of his fears was that I had to do engineering for the State and its approval because they superseded the engineering of the town, and I don't want to have to do that again.

Mr. Kazanowski stated that, now I have the Board's input, I am happy and I will make some calls and check on the COAH issue.

Vice Chairman Graceffo stated the Board greatly appreciates this approach. The project is going to end up being developed and I think it should be to the benefit of both you as the developer, and to us as a community.

Attorney Veltri confirmed with Attorney Rubin that he received the report of Alaimo Engineering, and both attorneys agreed to go over those items at the next meeting. Mr. Kazanowski stated Mark Paluis of Map Engineering did receive and reviewed Engineer Cristaldi's report and had no issues with it and is going to try to come to the next meeting.

Mr. Kazanowski thanked the Board for their time and will immediately look into this matter and see what he can do for a better approach.

Attorney Rubin has no other witnesses.

Ken Albert commented that he was very pleased to hear that the developer is prepared to, at least, consider revising this project. You have this 10'6" distance between buildings which really changes the environment. If the developer is prepared to reduce the number of units, you are also reducing the number of parking spaces, and reducing the amount of asphalt, so you are actually able to expand the units and maintain, if not a lower impervious surface coverage, certainly no more. I think this would be tremendously beneficial. The exterior of these units, and I don't think it is saying anything derogatory to anyone, is pedestrian at best. The visual environment shows two walls; one is just a garage wall and the other side wall has no windows in some units and in other units it has a staircase that goes up to the second floor. It really does not have a strong positive

appearance and, even if this original plan is retained, the design of the exterior, I think given the 10' variance that they are requesting, is certainly within your purview. That is, you can ask and even demand this, in my opinion, because one of the purposes of planning from State Municipal Land Use Law is, in fact, the desirable visual environment. I think it is perfectly reasonable when a variance such as this is being requested, that compresses units together and just gives you five massive buildings, provides you the ability to say "we need a better design of the exterior". Those are my comments for now, but hopefully the State, whose main concern is really impervious coverage, and given the fact that the easement won't change, I think we may find that the State is prepared to allow the developer flexibility. I am looking forward, as you are, to seeing perhaps a revised development.

Engineer Cristaldi commented that the applicant does not have any problem with complying with everything in my report. We will review it next month.

MOTION TO OPEN THE MEETING TO THE GENERAL PUBLIC TO SPEAK DIRECTLY ON THIS PARTICULAR APPLICATION: made by Mayor Mahler, seconded by Councilman Cortellessa. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Verba and Slater.

Robert Barbagallo, 48 Short Street, Wanaque

I am also the owner of 10 Mountain Avenue, which property borders this project.

The whole mountain is one big rock and I didn't hear anything about blasting and how much would be involved in the project. Will there be blasting?

Vice Chairman Graceffo questioned the applicant if any preliminary testing be done as far as when the time comes to build? Mr. Kazanowski stated they plan on just hammering, no blasting. Attorney Veltri stated that, in the original approval 10 years ago, there was a condition regarding blasting and a blasting schedule and that will be adhered to if this is approved at a future meeting. You will be notified and there will be a professional blaster, if required.

Mr. Barbagallo stated, since I own two houses in the area, I am concerned about cracks in the ledge and water in the basements and things of that nature with the blasting. The other thing is, I heard a lot of talk about maybe changing the size of the houses and maybe less parking from the original plan we had, and I am in agreement with the Board that I think the garages are going to get full with stuff and people are going to park their cars outside. If the Board did approve this project, could the town put "no parking" signs on Mountain Avenue because that is going to become the parking lot? Mountain Avenue is a dead end street and it is narrow and parking on the street is not going to work.

Also how far is the nearest fire hydrant from this development? Engineer Cristaldi stated one will be on the site and another on the street. Member Platt stated the buildings will all be sprinkled.

Melanie Trossman, 9 Mountain Avenue, Wanaque

I have three small children and my biggest concern is for them. We walk, ride bikes and do a lot of outdoor activities. The road is narrow and there are no sidewalks. The amount of

units that are being discussed, even reducing the number, there will be a minimum of 20 additional cars on the road. There is one way in and one way out of that development; it is a dead end street. All of the other beautiful developments in the Haskell and Wanaque area were not built on dead end streets. This is a huge concern for me and the entire community back there. It is also right by the school and we have tons of children in that community that walk to school.

Grace Maiello, 26 Rhinesmith Avenue, Wanaque

If you maintain the units that you have there, what would you anticipate the sales price? Attorney Rubin stated I don't think we have reached that point yet. We haven't cost it out.

Sue Abrami, 17 Grove Street, Wanaque (right below Berta's Chateau)

The project they are looking to build is going to be in my backyard. I am just curious how close or how far the distances are.

Mayor Mahler stated this particular property borders up against the rear of Berta's. Mister Marra pointed out on the plans where the project will be in comparison to her property.

Maria Conte, 22 Colfax Avenue, Wanaque

What are you going to do with all that rock up there? Very concerned about the rock. Am I going to hear "boom" at 3 or 4am? This is a private place with beautiful homes.

How far is he going to build from my property? Mister Marra pointed out on the plans where the project will be in comparison to her property.

Vice Chairman Graceffo stated that would not be permitted to blast during those hours. There will be no work started before 7am and it has to end at 6pm.

Tom Luciani, 11 Belmont Avenue, Wanaque

(1) What is the height of the buildings going to be? Mister Marra stated the maximum height is 30' measured to the peak per the Ordinance, which allows 2-1/2 stories at 30' and anything we build wouldn't be higher than 30' to the top.

(2) In the back of the buildings, is there any kind of open balconies or patio areas? Mr. Marra stated "no", not on this particular plan. In the back of the building on the ground floor unit would be a rear door with a set of steps. There would be no balcony or anything like that, just windows on this particular plan.

(3) What is the liability should there be blasting or chipping away at rock? Attorney Rubin stated that is controlled by your Ordinance, and a Developer's Agreement that controls blasting. There is a pre-blast survey taken if there is blasting. If there are complaints, they are to be looked at by folks in the town and photographs are taken. If there is blasting that has caused damaged, you have a claim with the blasting contractor who has an insurance policy which is filed with the town. All of these things are pre-done, nothing is by chance.

(4) To the Board, my concern is also about the traffic that is going to be increased in that area. If we get 12 units, and 2 cars to a unit, that is @24 cars and the roads back there are not adequate enough to maintain that. There is only one way in and out. I live on Belmont Avenue and my concern is also with a lot of the kids walking to school in the morning and

coming through in the afternoon and going to Wanaque School for recreation. The Board needs to consider this also.

Let the record show that no one else stepped forward.

MOTION TO CLOSE THE MEETING TO THE GENERAL PUBLIC TO SPEAK DIRECTLY ON THIS PARTICULAR APPLICATION: made by Councilman Cortellessa, seconded by Member Platt. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Verba and Slater.

The next meeting of the Planning Board is April 17, 2014 and then May 15, 2014. Any additional documents need to be delivered by Monday, April 7, 2014.

PUBLIC DISCUSSION:

Robert Mann, 4 Linda Road, Wanaque

I will be speaking about Mountain Lakes Estate

I would like to tell you I have read the December 19, 2013 Minutes of the Planning Board and understand how everybody is concerned to get this project over. It concerns me so badly that it has impacted the quality of all our lives on the top of that hill. I am sure some of you have been up there. The roads and the water – it is a horror. We all want an end to it and to work with you, but we want to be kept in the loop. My bay window looks at a giant horror scene every day. I am just not talking for myself, but also for my neighbors, when I say it has impacted the quality of life. It is everything around it, everything it has become. It has been going on for years. I moved in there ten years ago thinking, okay they are going to make this a nice place with condos or townhouses, I'm going to have sewers and water and I'm going to have everything and the value of my home would increase. This did not happen. All that has happened is an area that is in disrepair. My main concern is that there has to be a time limit, there has to be an end, and I would like to see it move forward and would like to see somebody or something done.

For instance, Mr. Rodriguez has stated to the Mayor that he now wants to finish the project. He may be afraid that the extension act ends December 31st. What exactly happens if the extension act ends without Mr. Rodriguez starting up the project?

Attorney Veltri stated his permits expire and explained that the State's Legislature automatically extended the Permit Act.

What can we do, as a group, to stop him from getting another extension because God help us if the Governor gives this man an extension to let us live the way we are?

Attorney Veltri stated that they don't specifically give each developer an extension. The Act itself is extended for all developers.

I am not going away. I am going to be around. I want to have an end to this.

Mayor Mahler stated we have had discussions with our State Legislators about this project and, if there is an extension to this Act, to exclude certain properties from the extension.

Mr. Mann stated at a certain point I am going to have to move. This has impacted my life and the value of my house so dramatically that you can't even get people to look at it. No one is going to want to bring their family up here and no one is going to want to look at this eyesore.

Vice Chairman Graceffo agreed with Mr. Mann. I have the same feeling and same frustrations and I have pushed the members of this Board many times to try to bring this to an end. This gentlemen has gotten away with lawsuit after lawsuit, extension after extension and for some reason this project still lives and it seems that we don't have the ability just to close it down. It is an absolute disgrace to see what is there. I pass it every day to go to my house and feel exactly the same way you do and I am wishing it comes to end the same way you do.

Mr. Mann stated this man has done this in Pennsylvania and Colorado. There is a list of places that this man has done the exact same thing. Maybe someone should have vetted him before he was allowed to do this. I wasn't around back then. I moved in under the assumption from my realtor telling me it is going to be built and a terrific project. It isn't and it's not; it is bad – a bad quality of life. It is not what Wanaque wants. The dam up there looks like it is falling apart. Water erosion, garbage and people are using those foundations as garbage dumps.

Mr. Mann, reading portions of the Minutes, wanted to know if the building inspector has been up there and gone in the buildings and what was the result? Mayor Mahler stated he has been up there several times. I think the question is, and I believe an engineer has to look at whatever he has put in so far, can the foundations be saved or must they be torn down when he starts building? We are extremely frustrated with this builder. The project was approved in 1985, it went bankrupt, the Mr. Rodriguez brought it and tried starting it in 1996. When he eventually started in 1999/2000, he tore down every tree. What he did up there was disgusting, and his workers had total disregard for the neighborhood. In 2002 the guy abandoned the project and then he lost his Highlands approval and he fought and got his approvals back. For the life of me, I can't understand why Highlands gave his approvals back. They should have just killed the project. We wrote to the Highlands and the DEP Commissioner was 100% behind us and the DEP won the first round, but Rodriguez appealed and won, DEP appealed again and he won the re-appeal and DEP decided they were not going to go after him anymore.

Mr. Mann stated, with the help of neighbors, I have books from the very beginning with arrest warrants, things like that, for this man. How does this happen? Mayor Mahler stated he and his workers have no respect for anything, but he is protected by the State of New Jersey. The State protects these developers. There should be a time limit on these developments and there is none. Local municipalities' hands are tied. Mr. Mann stated I always hear "my hands are tied" but I have to ask why, because there has to be a way. This should not be allowed and everybody's hands are not tied. Somebody's hand can be untied.

Mayor Mahler reiterated that he loses his right to build if they don't extend the Act. If they extend the Act, he continues to hold his right to build. Mr. Mann questioned could the State not come in and take that property over for the good of the people and make it into a park? Mayor stated if they had the money and they wanted to do it, they certainly could.

Vice Chairman Graceffo stated you witnessed this evening a typical problem. If the State had the money, they could have guaranteed that area as being Highlands protected and brought the entire section out, but they didn't want to come up with the money that the developer already invested in the planning and the work that he did for that site. They ended up bargaining with him by finding a way to give him the right to build, as you saw the frustration that we had here again tonight. He is also frustrated because all he wants to do is recoup his losses or come close to. As you can see tonight, I hope we have a better proposal when he comes back next month, but that kind of restraint on the Board is what the State has been giving us time and time again.

Mr. Mann stated this whole mess trickles down throughout Wanaque, not just in my little tiny oasis up there. It is our right to live a good life.

Vice Chairman Graceffo stated the problem right now is you're addressing the Planning Board and we have nothing even before us from this developer that would even give us an opportunity to make some changes or put some restrictions or maybe even to throw it out. Right now, your same arguments should be brought to the Mayor & Council at another time. Besides yourself feeling this frustration, many members of the Board and Mayor & Council also feel the same and we have been attempting to do exactly what you want to do and see the project come to an end. We seem to be being stymied by both the judicial and legislative branches of our state government, which seems to supersede everything that we want to do.

Mr. Mann remembers the Mayor saying it can take a long time, but it doesn't stop until you start. It has to start and then it has an end. We need to start. Something has to be done because the people up there shouldn't have to live that way. No one should. In this town no one should. I will work with anyone. I just want to have a resolution for this. I want closure and I want to be happy. What is done, is done, and cannot be undone until we start.

Vice Chairman Graceffo recommended that you bring this and your additional questions to the attention of the Mayor & Council.

Attorney Veltri stated, not that we don't want you here, but explained we are not an enforcement board. We grant approvals or denials and we put resolutions forth with conditions, but if those conditions are met, we are not the enforcers of the conditions; the Mayor & Council is. You are welcome to come to any meeting. Any comment or objection you want to make, we will listen. However, if you want to take collateral action, you may want to appear before the Mayor & Council. We all sympathize with what you are saying, but we don't have an enforcement arm here.

Councilman Cortellessa questioned Mr. Mann about the documents he said he had from the beginning and Mr. Mann stated it is not just one document, it is very thick book with every article that has been written, the fights that everyone has had, the lawsuits, the lawsuits that have been fought and won in other states with Sumo Enterprises.

Thank You All.

Joe Diaz, 3 Mountain Lakes Drive, Wanaque

Does the developer need to come back here before he starts again to renew any permits or anything? Where do I go to make sure he has his approvals and we hold him to the Developer's Agreement and he posts a new bond?

Vice Chairman Graceffo stated we don't think he has to come back. He has already received his approvals from this Board and that is what he is fighting to maintain and has maintained. If the approvals are maintained by the courts, then he can start.

Mayor Mahler believes he has all his approvals, but he has told us many times he is starting up again and he doesn't, and once he starts, we will enforce the bond. If it is dormant, we can't enforce the bond.

Attorney Veltri stated he would start with the Building Department for permits and then the enforcement would be either from the Building Department or the Mayor & Council would direct the Building Department on how to enforce. Planning Board has a Resolution, the Mayor & Council has the Developer's Agreement with him.

Let the record show that no one else stepped forward.

MOTION TO CLOSE PUBLIC DISCUSSION: made by Member Slater, seconded by Councilman Cortellessa. Motion carried by a voice vote.

RESOLUTION: None

VOUCHERS: submitted by Steven Veltri, Esq. for attendance at the February and March, 2014 regular meetings for \$600.

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

MOTION TO ADJOURN AT 10:50 P.M.: made by Member Slater, seconded by Member Platt. Motion carried by a voice vote.

Jennifer A. Fiorito
Planning Board Secretary