

PLANNING BOARD
BOROUGH OF WANAQUE

October 15, 2015

REGULAR MEETING

Meeting called to order by Chairman Foulon 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 January 21, 2015 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 Gilbert Foulon, Mayor Daniel Mahler, Members Marc Demetriou, Kevin Platt, Mark Reuter, Michael Ryan and David Slater

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Vice Chairman Joseph Graceffo, Councilman Dominick Cortellessa and Member Eugene Verba

MINUTES: from the September 17, 2015 Meeting

MOTION TO APPROVE: made by Member Reuter, seconded by Member Platt. Voting yes were Chairman Foulon, Mayor Mahler, Members Platt, Reuter and Slater. Members Demetriou and Ryan abstained.

COMMUNICATIONS REPORT: Resignation of Mark Reuter effective after the October Meeting since he will be moving out of State.

Chairman Foulon thanks Member Reuter for his service. We all wish you the best wherever you go.

ENGINEER'S REPORT: Nothing new.

RESOLUTION: None

VOUCHERS: submitted by Alaimo Engineering on Realty Associates Redevelopment, LLC Application in the amount of \$425; and submitted by Kenneth Albert, P.E. on Realty Associates Redevelopment, LLC Application in the amount of \$1,705.

MOTION TO APPROVE VOUCHERS: made by Member Reuter, seconded by Member Ryan. Voting yes were Chairman Foulon, Mayor Mahler, Members Demetriou, Platt, Reuter, Ryan and Slater.

APPLICATION #PB2015-02 “Realty Associates Redevelopment, LLC”

**Property Address: 541 & 547 Ringwood Avenue, Block 231, Lots 10 & 11
Application for Amended Site Plan Approval
Authorized Agent: Brian M. Chewcaskie, Esq.**

Attorney Veltri put on the record the following:

(a) At the last meeting I indicated that I wanted the taxes paid prior to commencing tonight’s hearing. I have been handed a document indicating the taxes for the 3rd quarter have been paid so we can proceed.

(b) I just want to note there are five members here tonight that were here at the first meeting of this application. I don’t know if any of the other members who were not here at the September meeting have listened to the tape. If you have, let me know. But as it stands, if we vote on this application tonight, only the five members that were here during the September meeting are eligible to vote. The other members can participate and ask questions, but if it comes to a vote and you have not listened to the hearing, you are not eligible to vote.

Neither Member Demetriou nor Member Ryan listened to the previous hearing.

Attorney Chewcaskie thanked the Board for hearing the application last month and giving us the opportunity to present testimony on September 17th. As already noted, the taxes have been paid.

We also made revisions to the drawings based upon what was heard at the last meeting from the Board Members, the Board’s professionals and comments from members of the public. The Board has a revised plan from Bertin Engineering consisting of 9 sheets from October 1, 2015 and revised architectural drawings prepared by Albert Dattoli consisting of 4 sheets from September 28, 2015.

We have received a Certification that all taxes have been paid.

We received an October 12, 2015 report from Engineer Cristaldi and there are two minor items we will address from that report.

We did reach out to the Board’s Planner, Ken Albert, who indicated that he would not be attending the meeting, but advised he was satisfied with the landscaping improvements that were made on the revised plan.

Attorney Veltri commented that after reviewing the Tax Certification it just lists Lot 11 and the application includes Lot 10. I just want to be sure that the taxes have been paid on both lots.

Attorney Chewcaskie stated that he believes the taxes were paid for Lot 10 because that is the property under contract and, in that regard, if they are not paid, the Board can certainly make this a condition. I can tell you that the taxes were paid through the 2nd quarter, but cannot tell you if the 3rd quarter taxes have been paid.

Attorney Veltri questioned if there is a contract closing date for that lot? Attorney Chewcaskie stated there are still title issues that will be addressed after the conclusion of the hearing with this Board, at which time we should be closing within four to six months. The issue of the taxes will also be addressed at the time we prepare the Developer's Agreement with the Borough.

Robert McNerney, who is still under oath, will continue his testimony with regard to the revisions:

Robert McNerney's Testimony

Exhibit A-2 = Revised Engineering & Architectural Plans

1. C2.1 of the Site Plan (Exhibit A-2) - Based upon concerns of the neighbors, we have installed a drainage system that runs the perimeter of the property to the rear. That system is labeled "curtain drain" on the plan. It starts at Lot 16 and then wraps around to Lot 22. We designed this to meet the concerns of the neighbor about snow piling and hopefully that will relieve any issues.
2. We straightened the driveway out to line up with Melrose Avenue.

Regarding the architecturals:

1. There was some question as to the design on the north elevation that faces south on Ringwood Avenue and, as you can see on Sheet A-1.1 we put in two additional windows. In order to "dress up" this elevation, we also installed what appears to be a fireplace with stone, but it really isn't going to be a fireplace. This is something we have done on other buildings. Hopefully this clears up any concerns of the Board.
2. Questions as to the air conditioning units and compressors, these are "magic pack" systems and there will be no compressors.
3. We show the overhangs that weren't on the plan before. They are on the front and rear of the building.
4. We included a basement level which is labeled Sheet A-2.1, which will be the first floor of the building. Elevator will go down to the basement. There will be storage bins for tenants to store their personal items.

5. We have two access points; one at the main entrance and one at the secondary entrance.
6. The meter rooms are labeled.
7. In addition, I think we had a question as to fire hydrants. We have installed a fire hydrant in the island that accesses the parking lot.
8. The elevation/height of the building was also added to A-1.1 and will not exceed 36'.

There are no other revisions made to the plan.

Referring to Engineer Cristaldi's review letter of October 12, 2015, Mr. McNerney, continuing his testimony, makes the following comments:

#3 on page 2 refers to a location of a light pole, which is just north of the curb cut on Ringwood Avenue. This is a County decision but, if the light pole needs to be relocated, we agree to relocate the light pole.

#4 on page 2 refers to the alignment of the driveway and a request that the driveway be made straighter than originally proposed. We have no problem straightening the driveway out, but the curb cut is going to be the County's jurisdiction.

Engineer Cristaldi stated that if you do straighten out the driveway, you most likely will have to move that light pole. Also, when you straighten out the driveway, can you ask the County if they will let you have a little bit more of a radius on the northerly side of the driveway so that a car coming down Ringwood Avenue south can make that turn in. That is a real sharp right turn to come in.

Attorney Chewcaskie would like Engineer Shortino, who is still under oath, to respond to Engineer Cristaldi's comments regarding the driveway.

Engineer Shortino stated Engineer Cristaldi is requesting if we can increase the radius on the northerly side of the driveway to make the turn easier if you are coming southbound on Ringwood Avenue. We will attempt to do this with the County, but it is all subject to the County's requirements. We will explain to them what has been requested and we will have to see if the County agrees and allows us to do this.

Attorney Chewcaskie stated that, if the Board is inclined to approve the application, I would request that this be specifically put into the Resolution because it gives us a better position in dealing with the County that the municipality has made a specific request.

Engineer Cristaldi, addressing the Board, questioned if the County does not approve my request, do you want to them come back with changes?

Chairman Foulon stated that he believes we will have to go along with what the County requires.

Attorney Chewcaskie again stated that if this item is in the Resolution, and it is part of the application process, there would be a record of it and the decision of the County.

Engineer Cristaldi brought up the drainage. The detail shows that your property slopes down and then the neighboring properties slopes back up so you actually have a little swale there collecting water. I don't see any elevation on the grading plan that shows the neighboring properties so I can't really tell if their properties are higher than this curtain drain so that it will hold and collect water.

Engineer Shortino stated the intent of the curtain drain was to collect the water from the applicant's property, not the neighboring properties. The premise is that, any snow that is plowed onto the landscaped areas, when it melts it would flow southerly or westerly and then be caught by the curtain drain. That is the way our grading is shown on the grading plan.

Engineer Cristaldi stated you are not collecting the neighbors' runoff, you are trying to collect your own, so if your property is sloped down and goes right over the curtain drain, it goes right onto the neighbors' property, but your detail shows that that can't happen because your property slopes down and their property slopes back up, so you actually have a swale where the water sits and goes into the stone. The detail isn't really accurate if it is just sloped to the neighbors' property to the south, the water may or may not get into the curtain drain.

Engineer Shortino stated the curtain drain is more than satisfactory for its intent and purpose of what we are proposing. It is melting snow and I can't see that having any velocity to it.

Engineer Cristaldi questioned if it is just snow or rain?

Engineer Shortino stated the rain is dictated by all our drainage calculations. That wasn't the issue that was discussed. I don't believe there was ever an issue with the rain water that landed on that property or our drainage calculations. This was in addition to cover unforeseen circumstances such as, unusual high snow totals, snow plowing, snow stockpiled on the landscaped area and melting snow.

Engineer Cristaldi stated that little grass area sits by itself. The curb that defines the edge of the parking lot that water all goes into the inlet. The only area that is contributing to that curtain drain is that little landscaped area between the curbing, the parking lot and the property line.

Engineer Shortino stated "that is correct".

Engineer Cristaldi questioned if anyone talked to the Fire Chief or submitted the plans to get an idea where they want the hydrants located. I know you have located one, but my understanding is they wanted two hydrants, one in the grass area where you first come in off of Ringwood Avenue and another one further back in the grass area when we get to the end of that driveway and you turn around the building.

Engineer Shortino stated we don't have a problem with the fire hydrant location or quantity, but at the last meeting, we didn't have any fire hydrants and the concern was could we install one and we have. However, there is a note on the plan location subject to final approval by Fire Department. We wouldn't have a problem putting the two in at those locations.

Attorney Veltri, referring to the driveway straightening, if the Board votes to approve this application tonight, do they want the driveway straightened and the exit and entrance lanes changed in accordance with condition #4 or not? The Board Members stated “yes”.

Member Demetriou questioned the width of the driveway opening. Can you comfortably have two cars, one coming in and one coming out?
Engineer Shortino stated “yes”.

Attorney Veltri, clarifying the record, in the event the Board votes on this to approve, then the Resolution is going to include not only condition 4, but condition 3 also from Engineer Cristaldi’s October 12th letter.

Attorney Veltri questioned the number of 2 bedrooms and 1 bedroom units.
Mr. McNerney stated: 17 – Two Bedroom Apartments & 12 – One Bedroom Apartments

1 st Floor	3 – Two Bedroom/Two Bathroom Apartments 8 – One Bedroom/One Bathroom Apartments
2 nd Floor	7 – Two Bedroom/Two Bathroom Apartments 2 – One Bedroom/One Bathroom Apartments
3 rd Floor	7 – Two Bedroom/Two Bathroom Apartments 2 – One Bedroom/One Bathroom Apartments

Attorney Veltri confirmed 57 parking spaces are projected on site.
Mr. McNerney stated “yes”.

Chairman Foulon stated in the previous application you had 23 units with 47 parking spaces, which was more than two per unit. Now you are going with 29 units and 57 parking spaces, which is less than two per unit. At the last meeting, and at the original meeting, this Board recommended that you buy additional property and add parking, not add additional units. It seems to me all you’ve done is added six units and did not enhance the property at all by acquisition of the neighboring property. We know this is not enough parking spaces and we historically know it in town with what has happened with previous applications. Is there some way you can eliminate some of those units and give us more parking?

Attorney Chewcaskie stated, because of the costs involved with respect to the acquisition of the additional property, we would not be able to do that. The parking does conform to the Residential Site Improvement Standards, which is the standard we have to deal with, and we have one more space than the standard.

Attorney Veltri stated that in the previous application, there were 17-Two Bedrooms and Six-One Bedroom Units.

Chairman Foulon stated that it does not conform to what we need.

Member Slater also voiced his concerns about parking.

Mr. McNerney stated that some of the developments in town were townhouses and ours is a totally different type of construction. It is not going to be conducive to more than two

people. From a marketing standpoint this is going to require less parking than a townhouse development would.

Attorney Chewcaskie stated if we reduce the size of the spaces, we would get additional parking spaces.

Chairman Foulon stated if you eliminated a couple of the additional units we would get more space too, and you are very firm on not eliminating any of those 6 units.

Attorney Chewcaskie stated “that is correct”. It is not cost effective.

MOTION TO OPEN THE HEARING ON THIS APPLICATION TO THE PUBLIC:

made by Member Slater, seconded by Mayor Mahler. Voting yes were Chairman Foulon, Mayor Mahler, Members Demetriou, Platt, Reuter, Ryan and Slater.

Anyone in the audience wishing to address this application only, please step forward.

Ken McNerney - 19 Fourth Avenue

My opinion, as a resident, is this developer has complied with what is required by law. I have been here many times over the years regarding this application, and other applications, (CVS & Fourth Avenue) and all have been great additions and improvements to the town. I believe the gentlemen here have a good application and have answered many of the questions, followed the law, and I believe we should move forward with this project.

Donald Ryan – 18-20-22 Pellington Street

Mr. Ryan wants to see the drainage plan.

Engineer Shortino explained the curtain drain runs from the southwesterly corner of the building along the southerly property line in a westerly direction until it reaches the corner. It then turns north and parallel to the westerly property line going north about 2/3 of the length. The intent is that any snow piled along the landscaped areas, when it melts, will not run into neighboring properties but the curtain drain will catch all that runoff, or melting snow. It will also collect rain. The curtain drain is piped into the drainage system.

A discussion occurred regarding this curtain drain between the residents and professionals and the difference of snow melt and rain.

Engineer Cristaldi explained that all the water that flows off the parking lot hits a 6” high curb, which has drainage, and that is collected and taken away. The only other way you can get water is whatever falls on that little grass strip so it is a very small amount of water.

Engineer Cristaldi commented that if there is too much snow, you should cart it away and not lose any parking spaces.

Betsy Lencke – 622 Ringwood Avenue, Wanaque

What was not followed up from the last meeting was the 2” water supply and it was suggested that it was not big enough.

Member Platt stated they said they were going to do whatever code tells them they have to do. They are not going to put a 2” main to a hydrant.

Chairman Foulon questioned what is the size of the water main coming in?

Engineer Shortino stated there is a 6” water line for the hydrant and a 2” water line for domestic. If it needs to be upgraded, we will do it.

Engineer Cristaldi stated the size of the main is a code issue and strictly up to the plumbing official.

Tony Brindisi – 10 Beam Avenue

I have served on the Planning Board and appreciate all you guys do and it is not an easy thing to do. I believe this applicant has followed all laws and is cleaning up a property and area that seems to be an eyesore in town, which has been going on for years. I think this project would be a great improvement to town and hope you would approve it.

Sandy Lawson – 28 Haskell Avenue

1. Does this new plan, as proposed with the additional units, have Highlands approval? Attorney Chewcaskie stated “yes”. Board Secretary gave Mrs. Lawson a copy of the Highlands Approval Letter dated August 26, 2015.

2. What is the drainage system draining to?

Engineer Shortino stated this was discussed at the last hearing. What we have is a drainage system for the building and for the parking lot. Those are infiltration systems. If there is an unusual storm, there is “out of control” structures that allows a slow release into the stormwater drainage system in Ringwood Avenue. The whole basis for this is that the existing stormwater runoff that is present at this time should be the same amount or less when you do these improvements. I believe it has been approved by the Municipal Engineer. We are using the county system, not the municipal system.

3. Radius of the curb cut – I think it would be good to make it more convenient to turn into.

4. I am having a hard time believing that this new plan, with all the new units, meets the green space that is required in a plan for the Highlands.

Mr. McNerney stated it does and you have the approval in your hands.

5. We have and had so many housing units coming into this town and each one has had an issue with parking. You might have enough for living day-to-day, but you can’t have anybody over. While it doesn’t sound like it is a big deal, it really is and it does impact the town. Personally, I would like to see the original approval with more parking.

Susan Kimble – 28 Pellington Street

Is there drainage for my property?

Engineer Shortino stated your lot basically splits the end of the building so you are right there where the curtain drain starts. Any potential runoff onto your property is very minimal because it is only a small landscaped area behind the building. Roof drainage is being directed towards the infiltration system. If the water does run into your property, it will probably be less than what currently exists.

MOTION TO CLOSE THE HEARING ON THIS APPLICATION TO THE PUBLIC:
made by Member Demetriou, seconded by Member Slater. Voting yes were Chairman Foulon, Mayor Mahler, Members Demetriou, Platt, Reuter, Ryan and Slater.

Member Demetriou questioned that when you put the rental agreements in place, is there any way of limiting a couple to just one car?

Mr. McNerney stated from a marketing standpoint, I don't think is possible. We are going to lease these units and you are going to need all the available parking. There are not going to be any designated parking spaces, except for handicapped. None of the tenants are going to have exclusive rights to any of the parking spaces. It will be first-come-first serve.

Mayor Mahler wanted to confirm that these are all rentals and there is no intent to make them condominiums.

Mr. McNerney agreed.

Mayor Mahler questioned the parking spaces are set by Residential Site Improvements, which is a State standard. This standard was made by the State Legislature and we are stuck with it.

Engineer Cristaldi stated this is correct and we must adhere to those standards.

Member Slater commented, that those of you who are concerned about the drains, you may want to go and look at what they are doing at the old aluminum factory on Fourth Avenue. The homes on Second Avenue are going to be much lower than the development when it is finished. They have a very similar drainage system within the retaining wall and it will drain into a stormwater recovery system. It may not be exactly the same system, but it accomplishes the same thing.

Attorney Chewcaskie gave his closing remarks.

The original application was approved by the Board and the Resolution was adopted March 17, 2011 for 23 units with 47 parking spaces. 17 – 2 Bedroom Units and 6 – 1 Bedroom Units. There has been a proposed acquisition of Lot 10 with revising the plan to provide 29 units and 57 parking spaces. The increase in the units is only for 1 Bedroom Units.

We want to improve the corner and address the concerns that were raised by the municipality living with the constraints of Passaic County and the Highlands. When we were last before the Board, there were a number of requests made to revise the drawings to address some concerns, i.e., drainage, realignment of the driveway, fire hydrants, water service. Some of the changes require approval of the County, Fire Officials and Code Officials

The major issue seems to be parking. There is already an approved project and this revised plan makes the project better. When we talk about the Residential Site Improvement Standards, these standards are statewide and have been adopted for about 12-15 years. We meet the requirements of this standard and there is an assumption that

guest parking is taken into the calculations based upon the 2 parking spaces for each two bedroom and 1.8 parking spaces for each one bedroom unit. In these calculations, it has been taken into consideration that 15% of the total spaces are available for visitor or non-resident use. The only way you can change the parking requirements to increase them is to go to the Department of Community Affairs, but I have never seen the total go up in suburban areas, but I have seen it go down in urban areas. Our experience in developing these sites is that most one bedroom units only use one parking space.

We do have Highlands Approval issued August 26, 2015 and conditional approval from the County of Passaic Planning Board, which was issued September 30, 2015.

We are also in compliance with Wanaque's Ordinance which was adopted in 2009 (5-0-09) and established the redevelopment plan for various areas, this area being included.

The variances we are requesting in this amended application are the same that were previously granted by the Board. Attorney Veltri disagreed. You have eliminated one and added one – 11 units on the first floor. Attorney Chewcaskie agreed.

MOTION TO APPROVE THIS APPLICATION: made by Member Reuter, seconded by Mayor Mahler.

This approval is subject to the following conditions:

1. Any of the conditions in the prior approval that still applied to the plan.
2. Comply with all conditions in Alaimo Engineering's Reports of August 31st and October 12th, 2015.
3. Comply with all conditions in Ken Albert's Report from September 10, 2015.
4. There will be an Affordable Housing Condition; the language will read as follows: "The developer did not include affordable housing units in the subject development. In accordance with Article 3, Section 72-5 of the Wanaque Municipal Code, residential development shall pay a fee of 1.5% of the equalized assessed value for the residential development in lieu of constructing affordable housing units. The Wanaque Planning Board recommends that the City Council impose the 1.5% fee on this development consistent with the Ordinance in the Redevelopment Agreement."
5. The developer will enter into a Redeveloper's Agreement with the municipality.
6. Subject to County Planning Board approval.
7. Subject to the relocation and quantity changes in fire hydrants as recommended by the Fire Department.
8. Subject to the access driveway being straightened and the northerly entrance lane made slightly wider than the exit lane to provide for additional turning room for vehicles entering the site traveling south on Ringwood Avenue. Entry radius.
9. Subject to the relocation of the pole north of the driveway.
10. Subject to payment for all municipal taxes on Lot 10, and the acquisition of Lot 10.

Voting yes were Mayor Mahler, Members Reuter and Slater.
Chairman Foulon and Member Platt voted no.

**Members Demetriou and Ryan are not qualified to vote since they were not at, nor listed to, the September Hearing.
Motion Carried.**

PUBLIC DISCUSSION: Let the record show there was no one to come forward.

MOTION TO ADJOURN AT 9:26 P.M.: Motion to adjourn made by Member Demetriou and seconded by Member Ryan and carried by a voice vote.

**Jennifer A. Fiorito
Planning Board Secretary**