

PLANNING BOARD
BOROUGH OF WANAQUE

September 17, 2015

REGULAR MEETING

Meeting called to order by Chairman Foulon with a salute to the flag at 8:05 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 Kevin Platt, Mark Reuter and David Slater

Councilman Cortellessa arrived at 8:20pm

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Vice Chairman Joseph Graceffo, Members Marc Demetriou, Michael Ryan and Eugene Verba

MINUTES: from the July 17, 2015 Meeting

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

COMMUNICATIONS REPORT: None

ENGINEER'S REPORT: Nothing new; only tonight's Application.

RESOLUTION: None

VOUCHERS: submitted by Alaimo Engineering for attendance at the July Meeting in the amount of \$190; and for Realty Associates Redevelopment, LLC Application in the amount of \$1,105.

MOTION TO APPROVE VOUCHERS: made by Member Reuter, seconded by Member Platt. Voting yes were Chairman Foulon, Mayor Mahler, Members Platt, Reuter 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 stated on the record that the Affidavit of Publication and Proof of Mailing are in order and we can proceed to hear the application.

Donald Lenner, Esq. appearing for the Applicant.

This is an Amended Site Plan Application since a Resolution has previously been given. The amendment is for additional units and relocation of parking, which was originally approved for under the building. Applicant is now going to purchase the property next door and the parking will be moved and additional units will be added to the structure. You will hear testimony from Bertin Engineering and a representative of the Applicant. Does anyone have any questions?

Chairman Foulon stated, according to your drawing, you are showing only one ingress and one egress and the law calls for two. Attorney Lenner stated that is correct, and this was granted on the prior application and prior approval.

Chairman Foulon stated that during the prior application, we had requested you to buy the extra property, but not to use it for additional parking or units, but to use it for more space. Now everything looks very crowded and you have a 20' wide road with two-way traffic on it and I don't think the fire department looks too favorably upon that. Member Platt agreed and stated that he and the Fire Chief were looking over the papers and didn't see any hydrants at all.

Attorney Veltri stated that counsel was looking for general questions and now we are getting into more testimony. I will swear in your witness and we can begin to take testimony on the record.

Attorney Veltri swore in Brian J. Shortino of Bertin Engineering.

Brian Shortino has an Undergraduate Degree in Landscape Architecture from Rutgers University, a Masters of Science Degree in Civil Engineering from the New Jersey Institute of Technology, a Licensed Professional Engineer, Licensed Landscape Architect and Licensed Professional Planner in the State of New Jersey. I have testified at least 500 times before Planning and Zoning Boards in New Jersey. At this time, I will just be testifying on Engineering.

Engineer Shortino did not testify at the previous application.

Chairman Foulon stated the Board accepts Engineer Shortino's qualifications.

Testimony of Engineer Shortino

The drawings that were given to the Board were basically the re-issue of the previous drawings and then we just revised the drawing to include the additional lot and additional units that is the subject of this application.

The previous granted approval was for 23 units and that property was just Lot 11 in Block 231. The new change is the addition of Lot 10, which presently has a residential dwelling on it. The new property has approximate dimensions of 50' wide by 264' long. With this new property we were able to increase the number of units from 23 to 29 and essentially the new property is going to be used as additional parking necessary for the additional units.

(Councilman Cortellessa arrived for the meeting at 8:20pm)

With the purchase of the extra property, the addition of the 6 units is still within compliance of the density for the zone. Currently, the maximum density permitted is 24 units per acre and the calculations of 29 units is 21.7 units per acre. With the additional units, we are still in conformance with respect to the maximum density required.

As to variances, I don't believe the additional units is the variance. I believe there are variances required as part of the application, but I don't believe the number of units is requested as a variance.

Attorney Lenner questioned Engineer Shortino about the variances. The Chairman had pointed out that there were some question as to the number of units in the building on the first floor. Does that require a variance?

Engineer Shortino stated that one of the reasons we are here tonight is because one of the requirements is to have only 5 units on the first floor and now there are 11.

Attorney Veltri stated what you advertised for and what I think we also need to consider is with the first application there were variance waiver requests that were granted regarding access and egress points, access aisles, parking aisles. We looked at those waivers and variances with the prior number of units in mind. Now you have come back with a different plan with more units so we are going to re-consider all those variances and waivers again because the number of units has changed and that is what you advertised for.

Attorney Lenner stated that it was advertised for increasing the number of units. However, this is an amended application.

Attorney Veltri stated we have to re-consider all those variances based upon the new number of units. Don't we? You just can't come in with more units and not re-consider all the variances that we originally gave you.

Attorney Lenner stated he believed we could.

Attorney Veltri questioned how can we? Let's just look at the access and egress points. You have one proposed, when two are required and now you have increased the number of units. You don't think the Board should consider that variance again with the new number of units?

Attorney Lenner believes technically the approval was given for the number of units that were on the original application.

Attorney Veltri stated we based the variances that we gave you the first time around basically because of the number of units. Now the number of units have changed, we have to re-address all those variances and waivers. If you double the number of units, you are saying that we couldn't consider the variances that we previously granted. That is not logical to me. You also advertised for that.

Attorney Lenner stated that the request would be for the continuation of those waivers and variances that were given in the prior Resolution.

Attorney Veltri stated we need to re-consider each one of them based upon the number of units and your new design. That is the testimony we need to consider. I am the Attorney for the Board so I want to focus the testimony on what I think they need to consider and I don't want to mislead you or the applicant at this point.

Attorney Lenner stated that the prior approvals still stand. This is not a new application if for some reason there is a denial of a certain request made.

Attorney Veltri stated what we are considering now is the additional design that you have given us with the total number of units being 29. In my mind, we have to re-consider all the variances and waivers that we previously granted.

Mr. Shortino's testimony is continued.

There were two review letters issued on this application. One was August 31, 2015 from Alaimo Engineering and the other from Ken Albert dated September 20, 2015.

Our office prepared a set of drawings dated April 29, 2015, which consists of 9 pages. These drawings essentially show what is being proposed in the amended plan. The Exhibit Board is a Landscape Rendering and is not part of the site plan set the Board has before them. This is a specific drawing that we prepared for presentation purposes.

Exhibit Board is marked as Exhibit A-1 with tonight's date of 9/17/2015
Combination of Site Plan & Landscape Rendering 4/29/15

The previously approved site for 23 units was just Lot 11, which was the long, rectangular parcel. Essentially, the building footprint stayed the same, the parking area in the rear stayed the same, and the driveway location onto Ringwood Avenue stayed the same. What was changed was, with the acquisition of Lot 10 that has the residential house on it, that house would be demolished, some of the trees located on the rear of the property would be removed and we would use that portion, or Lot 10, to provide the additional parking that is necessary to accommodate the addition 6 units.

The other change is that there was some parking underneath the building that was eliminated and brought outside. The trash and recycling enclosures have been relocated.

Again, there has been no change to the building footprint.

Referencing Alaimo's August 31st letter, on the last page (page 6) it lists the variances and I will address each of those items:

1. Side yard buffer 10 feet required and 5 foot provided: We have again requested that 5 foot buffer that was located on the previous application along the northerly line of Lot 10. With the previous application that 5 foot buffer was actually adjacent to a residential property but, in this case, the 5 foot buffer request is more or less adjacent to a commercial use, Plaza Florist, along the open parking area.

The increase in the density of the number of units would not affect the buffer. We are providing the same buffer, more or less in the same location. It was just moved over because of the acquisition of the new lot. The previous application requested a buffer along a residential property, where it is now along a commercial property's parking area.

2. Two site access required and one provided: As I mentioned, the driveway has been unchanged in its location along Ringwood Avenue. It is a two-way driveway. We are increasing the number of units by 6 so with respect to whether another site access is required or not, we don't believe it is necessary. We did submit a traffic trip generation analysis to the Board addressing the number of trips for the previous use of the two-family home and the 23 units and with respect to the trip generation, there was only one additional trip required or proposed with these 6 additional units. Therefore, we don't believe a second access point of egress and ingress is necessary because the amount of trips was increased by one.

3. Twelve foot access aisles required and ten foot provided: We are requesting the same variance, which was previously granted, with respect to the access aisle. At the driveway, the access aisle are 11' and as you enter the site they are only 10'. We believe that the 12' is not necessary here because there is no turning movement. The linear movement is only in and out of the site leading to the back where the parking area is located and we feel that 10' access aisles are sufficient for the movement.

4. Twenty five foot wide parking aisles required and twenty four foot provided: This was previously granted on the last application where we just had the parking in the rear. We are putting additional parking, but we are still requesting the variance of 24' aisles. This is more or less the standard that is used in all types of ordinances. We believe safe maneuvering can happen with this 90 degree parking with 24' aisles so we are requesting that the variance be continued.

5. Eleven units on the first floor where a maximum of six is permitted: We did eliminate the parking area that was under the building, but the footprint has remained the

same. Since we acquired the additional property without changing the number of stories, and had the available land to bring the parking out from under the building, we were able to include the additional units within the building's footprint. It is our opinion that there really is no change to the building with respect to the additional units and we do meet the parking requirement for the site so we feel the additional units would be able to function on the site without detriment.

Attorney Veltri questioned if Engineer Shortino agrees that this is an additional variance that you are asking for tonight? Engineer Shortino stated it is listed on here and it is in the ordinance so I would have to agree this would be a variance.

6. Building height of 36 feet maximum is permitted. Proposed dimension not provided: It is my understanding that we comply. The building height will be 36 feet maximum and we are not requesting a variance on height.

It should be noted that there is actually an elimination of a previously granted variance and that was lot frontage where the minimum required is 120 feet and Lot 11 only had 100 feet. Since we acquired Lot 10, now the frontage is 150 feet so that one variance has been eliminated.

Attorney Veltri, referencing the building height and Alaimo's letter of August 31st, the last paragraph on page 3, states that your building "scales to be approximately 39 feet". Engineer Shortino stated he is not disagreeing with this, but I checked with the applicant who stated we will comply with the height requirement.

Attorney Lenner, referencing the Alaimo August 31st letter, on page 3 of variances required, there is a "yes" indication in Section 4 that appears under B(7)(b)(6) (c) to be a typographical error in that 10% is required and 31% is provided.

Engineer Shortino agreed that it is a typographical error and no variance is required for open space.

Engineer Cristaldi agreed that the "yes" is a typo and it should be a "No".

Board Members' Questions to Engineer Shortino

Mayor Mahler, referencing the original drawing with that driveway coming out to Melrose, I believe they made it a little closer to the building in order to keep it away from the property line. Since you now own the adjacent property, wouldn't it be better if we lined it up directly across from Melrose Place, instead of the curb, to make for a little better traffic flow and maybe even make that 12' in there since it is off the roadway and people are turning in. Pretty much line it up directly across from Melrose since it is a pretty easy change. You said your aisle is 10' wide going back, but it is 11' at the road. Now that you have the additional space, you can probably make it 12' at the road and make it a little wider for the radius to turn onto Ringwood Avenue since every extra foot there helps out. I believe if the County looked at it, they would pretty much prefer the straight across too. Engineer Shortino stated that the County has already approved this design.

Mayor Mahler also mentioned that in previous discussions it was discussed to remove the concrete curb in the back corner by the tree and just striping it because that way it enables a fire truck to get around that corner a lot easier.

Engineer Shortino stated that we did address this item and accommodated it. What is there is all depressed curb and it is grass pavers. It looks like a landscaped island, but it still has the support structural integrity to support a fire truck if it needs to go over it.

Engineer Cristaldi agreed that an extra foot for the access lanes onto Ringwood Avenue would be beneficial since they have the additional property. The County agreed to a narrow opening when they just redid the sidewalks and if trucks can't make the turn in, they end up driving up on the sidewalks and cracking them. When you are coming southbound on Ringwood Avenue and if you try and turn into the site, you have to make more than a 90 degree turn to get in there so it would really be better if you could straighten it out a little bit and widen it up. If the County gave you trouble, you would still have the support of the town. I think it is a good idea to have a little wider opening especially since you should have had two driveway cuts and you only have one.

Engineer Shortino agreed that we do have sufficient amount of room to widen up the driveway. It will make access in and out easier and will line it up with Melrose Place center-to-center.

Member Platt questioned the lack of fire hydrants on the plans.

Engineer Shortino stated I don't think there are any. If they are required by any type of code, there is no problem supplying them if necessary.

Engineer Shortino stated that he has been informed by the applicant that the building will be sprinklered.

Member Platt questioned only a 4 inch water main coming in?

Engineering Shortino stated that there is a 4 inch and a 2 inch, so we have two separate lines coming in; one for fire and one for domestic.

Attorney Veltri questioned what Engineer Cristaldi recommends?

Engineer Cristaldi stated there is usually a 6 inch line that comes in for fire. When you go to do the sprinkler system, whoever designs the sprinkler is going to calculate the pressure available and volume available and will size the line so that it can feed the system. The Building Code decides the service. This might be a little small for 30 units.

Engineer Shortino stated the applicant will do whatever is required by code.

Chairman Foulon is still disturbed with the ingress and egress. Two are required. We let you have one based on the original plan. Now you have increased the property usage by approximately 30% but yet you are keeping the same footprint. I think you should increase the ingress and egress and parking. Every time we approve something like this, we end up three or four years down the road being crucified with not having enough parking, not having enough space and I don't think we should do it again.

Engineer Shortino stated we do meet the parking requirements for the site.

Chairman Foulon stated then take out the 6 additional units and go with the original plan and you have no problem.

Attorney Lenner stated he understood the Chairman's objection; however, there is sufficient parking, even with the increased usage of the property, as required by the Ordinance.

Chairman Foulon stated "okay" and also the Ordinance requires two ingresses and egresses. Please don't ask me to disregard one Ordinance, but favor you on another. Attorney Lenner stated that Mr. McNerney will address these issues.

Chairman Foulon questioned where the electrical panel is located and where are the utilities coming in?

Attorney Lenner stated that you may be referencing the meter room and that will be addressed by Mr. McNerney.

Member Slater commented that he agreed with the Chairman on his comments with parking. Carter Road project and the new Parkside Project also have parking issues.

Mayor Mahler stated he counted 57 parking spots. Engineer Shortino agreed.

Attorney Veltri stated that the Ordinance requires 56.

Mayor Mahler stated you have 54 available parking spots, since 3 are handicapped spaces, for 29 units. If you have two cars per unit, that is 58, and where are visitors parking?

Attorney Veltri requested that the applicant review the previous number of parking spots with the 23 units. Have you added parking to this plan since I think that is an important fact?

Previous Application – 47 Parking Spaces where 45 Required

Engineer Shortino stated:

Old Plan with 23 Units:

17 – 2 bedroom units = 2 spaces per unit = 34 spaces

6 - 1 bedroom units = 1.8 spaces per unit = 11 spaces

In total 45 spaces required; where 47 were previously provided & approved

New Plan with 29 Units:

17 – 2 bedroom units = 2 spaces per unit = 34 spaces

12 – 1 bedroom units = 1.8 spaces per unit = 22 spaces

One Extra Space Provided

In total 56 spaces required; where 57 are provided

We meet the standard in New Jersey for residential spaces.

Attorney Veltri questioned if the Engineer knew the square footage of the units or is an architect going to testify to that?

Engineer Shortino advised someone else will testify as to this item.

Chairman Foulon stated, based on experience, there still is not enough parking spaces no matter what the State says.

Attorney Lenner would like to call Robert McNerney, who is a member of Realty Associates Redevelopment, LLC, the Applicant.
Attorney Veltri swore in Mr. McNerney.

Testimony of Robert McNerney

I am the principal owner of the company and also have my partner here with me tonight. Our company is Realty Associates Redevelopment, LLC.

I think it is important for the Board to know the circumstances of events that occurred here. We received an approval for the 23 units on the one property. When the other property became available, we went and discussed purchasing it, but at the time there was a title issue because of the estate. Since that time period, we think we can resolve the title issues so we contracted to purchase that property. As Mr. Shortino testified, by purchasing that property, we eliminated the width of the lot variance. In addition, we took the parking spaces from under the building to outside and added 6 additional units. Understand that the property next door has been vacant for some time, it is dilapidated and an eyesore. In that home, there are 2 – 2 bedroom apartments. We are proposing 6 – 1 bedroom apartments. If you look at the net, it is 2 additional bedrooms. The parking will only generate 1 additional trip per day looking at this as a single economic unit.

I think we meet all the parking requirements, we will meet the building height requirement, we will also provide the access point on Ringwood Avenue and straighten it out and align it with Melrose Place. We have no problem with that. I think it is a much better plan the way it is proposed tonight than what was approved prior. The added units are all one bedrooms.

The One Bedroom Units are going to range between 754 square feet and 766 square feet. Our projected rental on those units is \$1,250.

The Two Bedroom Units are going to range between 964 square feet and 1,118 square feet. Our projected rental on those units between \$1,600 and \$1,850.

Each of the units will have central air conditioning, washer and dryer.

The Two Bedroom Units will have two baths.

With regard to the air conditioning, we are looking to install what is called a “magic pack”, where the compressors are within the units and there will be no compressors surrounding the building. In the event that changes, we would put the compressors on top of the flat roof with a gable return.

The other issues that were brought up I believe are minimal and I believe this to be a much better project and would respectfully request the Board grant our application.

Member Slater questioned the size of the parking spaces.
Engineer Shortino responded 9 foot wide by 20 foot long.

Attorney Veltri has a procedural question regarding the completeness of the application. We did not get a certification from the Tax Collector that all taxes were paid. Do you know if the taxes are current? The checklist that you supplied has a blank next to this item.

Mr. McNerney stated that there are some taxes that are open and we would request that the approval, if the Board so granted, would be subject to those taxes being paid.

Attorney Veltri stated this is part of the completeness package in every municipality, including this one, that the taxes need to be paid for the application to be actually heard and certainly to be voted on. Chairman Foulon stated we shouldn't even be here tonight.

Mr. McNerney stated that it is his previous experience that most towns would grant approval subject to the taxes being paid.

Attorney Lenner stated that this matter has been through a number of hearings and, as in many applications, applications can be approved subject to further conditions. I believe that this is one condition.

Attorney Veltri stated this is an issue of completeness, not a condition of approval. It is on the checklist. I am not saying we are going to stop the hearing, but I am going to tell you that before I let this Board vote, I need the certification that the taxes are paid in full and that is elementary in any zoning application. I sit on four boards and it is on every checklist in every town I serve, and every town where I have been the attorney for an applicant. This is not a condition of approval issue; it is a completeness issue.

Mr. McNerney stated that, if the Board so desires, we will come back next month and will provide that certification.

Attorney Veltri and Chairman Foulon agreed, especially since you are here for a preliminary and final and before we vote we are going to need the plans to be more complete than they are.

Mr. McNerney stated we will make the revisions to the plan as discussed this evening and resubmit them for next month, and at that time the taxes will be paid.

Councilman Cortellessa questioned the applicant about the air conditioning and utilities. Mr. McNerney stated that the drawings haven't been finalized yet. There was a question as to where we would locate compressors if they were outside. The prior application stated the compressors would be located on the north-end of the building away from the residential uses. We just haven't made that decision. We build buildings both ways. A magic pack system is located in the unit itself, more like a wall unit. Depending on construction, there will be no compressors by residences.

Councilman Cortellessa questioned you previously stated you may be putting the compressors on the flat roof, but would this change the look of the building?

Mr. McNerney stated the face of the roof would remain the same. We would just make the center portion of the roof flatter.

Member Reuter asked what is your plan for starting construction, assuming you get approval?

Mr. McNerney stated this is a spring project for us.

Member Reuter questioned if they considered clearing some of the simpler variances that were in the first application or would you consider doing it?

Mr. McNerney stated that we would consider doing it and making it a part of our review for the next meeting if we can establish a potential buffer we will see if we can get a few more of those variances to go away.

Attorney Veltri questioned if the applicant actually owns the additional parcel?

Mr. McNerney stated we are contract purchasers subject to clear title.

Mr. McNerney stated that this building, unlike the other building, will have a basement under a portion of it and all the meters and services will be in the basement. In addition, we are going to have storage cages for the individual tenants in the basement as well. This should answer the question of where the meter room is.

Attorney Veltri asked if the applicant could supply a drawing for next meeting with the meter room on it because we didn't see it in the drawings we have.

Mr. McNerney stated the meter room would be in the basement so it is not going to be on the drawings.

Attorney Veltri stated there is no sheet showing a basement either that I see in the architectural.

Mr. McNerney stated he could add a sheet that shows the basement. I can also show on the plan the maximum height.

Engineer Cristaldi questioned if the first floor was at grade? If so, you could show a dash line underneath that shows the basement.

Mr. McNerney stated "yes" and that is what we will do.

Mayor Mahler questioned if an elevator was located at the west end of the building? The plans show the third floor elevator in a different spot than the first two floors.

Mr. McNerney stated "yes, we have one elevator." The sheet showing that doesn't belong in the plans; the second and third floors are identical. That sheet may be the previous third floor plan. The elevator will be located on the west end of the building closest to the rear parking lot.

Engineer Cristaldi asked if they thought they were going to hit water when installing the elevator? The new Borough Hall had an issue.

Mr. McNerney stated that shouldn't be a problem because when the old school building was there, they also had a basement.

Engineer Cristaldi questioned what meters are going in the basement?

Mr. McNerney stated water and gas.

Mayor Mahler stated the school wasn't on the west end, that was the parking lot. When we built the new building we hit water where the elevator was and put a sump pump in.

Mr. McNerney stated it is not unusual to have to put a sump pump in the elevator.

Engineer Cristaldi questioned where will the water from the sump pump be discharged?

Mr. McNerney stated wherever the plumbing inspector tells us to.

Engineer Cristaldi reviewed some of the items needed for the revised plans: maximum height, pedestrian circulation around site (sidewalks around building), lighting plan for parking lot, shield air conditioning units.

Engineer Cristaldi questioned what provisions they were making for headlights shining into neighboring properties?

Mr. McNerney stated there is a board-on-board fence around the perimeter of the site.

Engineer Cristaldi questioned how a refuse truck will get into the property?

Engineer Shortino stated Sheet C2.4 shows this information in the shaded area, and there is 25.3 feet. No garbage compactors in the units.

Engineer Cristaldi asked if there was any on-site signage?

Engineer Shortino advised there was signage in the front of the building; there are stop signs and handicapped parking signs. We have a signage plan.

Mayor Mahler, referring to A-10 of the architectural drawings where you have the elevations of the building, when looking at the north elevation all the way to the left are single windows in that first section and then the next section with the entranceway, and now with the house being demolished and the parking lot being put there, you have to do something in that whole area to dress it up and make it aesthetically pleasing since that is going to be the most visible spot coming southbound.

Mr. McNerney agreed and already has an idea.

Attorney Veltri questioned if the applicant wanted to comment on the affordable housing component.

Mr. McNerney stated that, as part of the prior application, we had agreed to make a contribution to the affordable housing fund.

Kenneth Albert, the Board's Planner, is here and has mentioned that this is one of the issues we should address.

Mr. Albert advised that things have changed since the last approval. Everything was up in the air and I believe the applicant agreed to provide whatever affordable housing obligations were present at the time. Now things have solidified. Wanaque has filed appropriate action in the courts in terms of the clear determination of affordable housing and an action with the League of Municipalities and that will prevent builders remedy suits and this was the correct action to take. You will shortly be given, by the courts, a specific obligation and it won't be development based. The growth share is out, so it won't be based on each development, it will be town wide. Wanaque has an ordinance in place that allows you to collect a development fee of 1.5% of the assessed valuation and I think that is an appropriate thing. If you believe another course of action should be done, you have that ability because it is a rezoning project.

Attorney Veltri, referring to the prior Resolution and, in particular, condition no. 3, and what we agreed to at that time for the project is approved is the following:

“The applicant/developer acknowledges that this project will create an affordable housing requirement. The applicant/developer shall comply with any/all affordable housing obligations that will be generated by this approval. Applicant has specifically represented and agreed that the affordable housing obligation, when known, will be immediately complied with and satisfied either on-site or off-site.”

This is what was agreed to four years ago.

Mr. Albert believes that was perfectly appropriate for the growth share. At this point, I would strongly recommend that you revise the language to a specific requirement. One of the things I pointed out is your own ordinance allows that 1.5%. Whatever you do, be specific now. We no longer can really accept those terms.

Attorney Veltri questioned the if the 1.5% of the assessed value of the project was acceptable?

Mr. McNerney agrees and would prefer to do the 1.5% of whatever payment we end up negotiating.

Attorney Veltri would like to have Mr. Albert send us a supplemental report with the language that he thinks is appropriate with a copy to the applicant and, if we agree, it will just be a condition of any approval at the next hearing.

Mr. McNerney agrees to do whatever he has to do for affordable housing.

Mr. Albert commented that most of the items in his report were covered, but would like to comment further. Along the south property line, they are proposing techy arborvitaes of 24 to 36 inches. I would suggest that they change the spacing to approximately 12 feet apart and increase the height to about 6 feet. Those will be very fast growing and form a solid wind break. It is an appropriate plant, but I just don't like the size. I know there is a board-on-board fence, but these will grow very rapidly and provide screening both ways.

Mr. Albert also commented that, after listening to the testimony, just for clarity purposes, the exit and entrance I would urge you to flare out and I think that is your intention. The 12 feet will help but also flaring the end of the driveway will help greatly. In terms of the two means of egress, I think that is problematic with the configuration of this site. I know that is the intent of the ordinance, but they can do it but I don't think you want them to do it. Having two accesses that close together, from a traffic standpoint, will conflict more than it will help. I think this realignment along Melrose Place is perfect and I think it allows them to widen out to 12 feet and then flare it out. I wouldn't change the width of the travel way because I think that planting strip is very valuable and you will see it when it appears. You will not get any reasonable growth out of that planting strip if you narrow it down. Those are my suggestions along with the affordable housing.

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

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

Donald Ryan – 18-20-22 Pellington Street

My property is lower than this development and am concerned about flooding. The little piece of land can only hold so much. I want them to guarantee that my property is not going to flood, especially when they push the snow back.

Attorney Lenner understands the homeowner's concern, but I don't know how anybody can ever guarantee anything.

Mr. Ryan suggested you push the snow in the middle of the driveway and pick it up and take it away.

Attorney Lenner can't guarantee this, especially if we get snow like we did last year, or like Boston got when snow didn't dissipate until June.

Mr. McNerney stated we added drainage. The drainage for this plan is far better than what is there now.

Mr. Ryan stated you are still going to push the snow all the way to the back so it is not going to run into the drains.

Mayor Mahler questioned if there is a little berm between the houses on Pellington and the parking lot?

Mr. McNerney advised that are no berms.

Chairman Foulon commented that I don't see where they have any room to push any snow anywhere other than to take it off the property. They need to remove the snow from the property; otherwise, the parking spaces are not going to be able to be used.

Engineer Shortino commented that the parcel and parking lot have been designed to address the storm water runoff requirements. There are catch basins within the rear parking area and it all ties into the subsurface system. The rain water or snow that lands on the lawn areas, obviously that doesn't get removed since it just percolates into the ground. I believe the concern of the resident is where the water is going to go. The water that lands in the parking lot is going to go into the drains. When there is snow on the parcel, the contractor will come and plow. Normally they want to get the snow off the pavement area and will put snow onto these lawn areas. I believe the resident believes when the snow melts, it is going to flood his property. My opinion would be that that will be highly unlikely. Snow is not the volume of water that it appears to be when it melts. Again, if there is snow put on these lawn areas, when it melts, it will just percolate into the ground. There is a curb along the entire parking area, except for the one area with the grass pavers.

Lengthy discussions ensued with regard to snow removal, berms, curbs, catch basins and added drains and it was determined that the Board's Engineer and Applicant's Engineer will discuss this issue for a solution.

Betsy – Ringwood Avenue, Wanaque (last name and address inaudible on tape)

How tall is the fence along the south side?

Mr. McNerney responded 6 foot.

Are there any amenities in the building, such as, community room, patios on the second floor?

Mr. McNerney stated "no".

What are your hours of construction?

Mr. McNerney stated whatever hours are permitted in the ordinance.

Are you going to be using any union labor?

Mr. McNerney stated "no".

Susan Kimble – 28 Pellington Street (Block 231/Lot 16)

How far back is the building going to go and how close to the fence that already exists?

Engineer Shortino stated the building is 15 feet off the property line. Her property is almost in line with the southwesterly corner.

How many stories is the building?

Engineer Shortino stated 3 stories.

Sandy Lawson – 28 Haskell Avenue

Is the COAH obligation going to be on the number of units or is it a percentage of value of the project?

Mr. Albert stated that COAH requirement is no longer based on the number of units. It is going to be established by the court as a fixed number; unrelated to this development whether they build or not so it may be 200 units for the whole town. What we are speaking of is, in lieu of providing affordable units here, the Board can accept the development fee of 1.5% of the assessed value. This is very valuable to the town because it gives Wanaque the flexibility to do what it wants, where it wants.

Can this be sold to another community?

Mr. Albert stated that is no longer allowed. RCA's are prohibited by the court.

So there will probably be no affordable housing units?

Mr. Albert stated he believed that is the direction the Board is going. There will be no affordable housing units and we collect the fee. In the future, whether it is 5 or 10 years from now, they are going to have to use that money to create affordable housing.

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

Chairman Foulon stated we will re-open the public hearing at the next meeting.

Attorney Veltri stated that we went through a litany of things that you gentlemen are going to be providing. Do you think you will be ready at the next meeting, which is October 15th? Mr. McNerney answered “yes”.

Attorney Veltri stated the Board is going to carry this application until the October 15th meeting. I don't think we are in danger of any time requirements, but I would like the applicant's consent on the record to waive any and all time constraints. Mr. McNerney stated “we will waive any time”.

Attorney Veltri stated we will be meeting October 15th at 8pm. For the residents here, you will not be re-noticed. I urge you to attend that meeting at 8pm and we will resume the hearing at that time.

MOTION TO CARRY THIS APPLICATION TO THE NEXT MEETING ON OCTOBER 15, 2015: made by Councilman Cortellessa, seconded by Member Platt. Voting yes were Chairman Foulon, Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter and Slater.

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

MOTION TO ADJOURN AT 9:50 P.M.: Motion to adjourn made by Councilman Cortellessa and seconded by Member Reuter and carried by a voice vote.

Jennifer A. Fiorito
Planning Board Secretary