

REGULAR MEETING

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

READING: Open Public Meeting Announcement

This is the Regular Meeting of the Wanaque Planning Board and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends and 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: Vice Chairman Graceffo, Mayor Daniel Mahler, Councilman Dominick Cortellessa, Members Marc Demetriou, Kevin Platt, Mark Reuter, Eugene Verba and David Slater

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Chairman Gilbert Foulon and Member Michael Ryan

MINUTES: from the March 20, 2014 Meeting

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

COMMUNICATIONS REPORT: None

APPLICATION STATUS: No new applications; only RSK Development

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.

EXHIBIT:

A3 – April 4, 2014 & April 9, 2014 E-Mails between Joseph Marra, Architect

and Richard C. Reilly of the Department of Environmental Protection

Attorney Rubin stated the last time we were together we had a very productive meeting between the applicant, the applicant's professionals, the Board and the Board's professionals as to the Board's vision and what they would like to see on the site. RSK's architect, Joseph Marra, listened to what the Board said and re-designed the buildings as best he could to reflect the Board's wishes. We cannot do anything with the site itself, but what we did over the past few weeks was reconfigured the buildings and reduced the number of units. This is now a 12 unit application, which was reduced from the original 18 that we requested and had prior approval for. We will have Mr. Marra advise the Board as to what the changes are and what variances are required. After Mr. Marra is finished, we do have our Site Engineer to go over some site specific issues.

Joseph Gerard Marra, Jr., Site Architect was sworn in at the March meeting and continues to be sworn in this evening.

Testimony of Joseph Gerard Marra, Jr.

The last time I testified there was a question raised about the number of bedrooms and I was asked to clarify this information with the State. I did have several phone conferences with the Division of Land Use Manager, Rick Reilly, who was the author of the approval letter and I was able to get a written statement from the DEP Manager regarding the number of bedrooms. The State is not concerned about the number of bedrooms.

I did also explain to the DEP that the Board was not in favor of our 18 unit development because the units were too small. I prepared two different plans that I shared with the State to show them potentially what we could develop on the property with bigger units. My two plans had considerable change to the unit location, but didn't change the street or parking. One plan had ten units and one plan had nine units. I was advised by the State that they can't comment on a preliminary plan, but they would require a re-application to the DEP for a new approval for a waiver approval in the Highlands. During the time, Rick Reilly of the DEP told me that, if we didn't change the footprint of the site plan that they already approved and reconfigured the buildings to have bigger spaces and fewer units, we would still have to apply for an approval but it would be an Amended Approval. Again, he can't tell me if they are going to approve it or not, but it would probably be looked upon favorably.

Considering what we just went through with a six-year approval process with the State, we chose to look at a third plan, keeping the site the exact way it is, but taking the 6 buildings and, instead of 3 units in a building, we designed the buildings to have 2 units. We reconfigured the space inside the building. We eliminated parking because we eliminated 6 garages and 6 spaces in front of those garages, but we also came up with 12 units instead of 18. We have 6 – 3 bedroom units that are 1750 square feet; and we have 6 – 2 bedrooms units that are 1375 square feet. These figures are similar to the approval initially given in 2003. The garage area is not included in the square footage.

We were also asked to add some architectural diversity and interest to the buildings themselves. For the buildings, we introduced a variety of materials, which include stone and stucco at the entrances, stone at the garage and siding. We also have covered porches/entrances at each unit, and some dormers and shutters. We have different volumes and different shapes, so we have added a little bit of architectural flavor to the buildings.

The application before you tonight, while the site plan has been revised, the footprint remains the same and the revisions are:

1. The number of units has changed. We now have 12 units (6 – 3 bedroom units and 6 – 2 bedroom units).
2. We corrected the distance between building requirement. Our original plan indicated 30' was required and we corrected it that 40' is required, but we are still asking for a variance for 10'6" between the buildings.
3. The only other revision was the number of parking spaces. We recalculated that there are 29 spaces required and we are proposing 34. We have 12 less spaces because of the removal of the 6 garages and the 6 spaces in front of the garages. Even with this change, we do not need a variance.

When you enter the 3 bedroom unit, you would walk in the ground floor and there would be stairs going upstairs which would lead to 2 bedrooms upstairs, and then downstairs there would be a master bedroom, kitchen, dining room and living room. We are also proposing 3 bathrooms in these units.

When you enter the 2 bedroom unit, you would walk in downstairs to a foyer, with a storage closet, and then as you go upstairs you would walk into a kitchen, dining room, living room and there would be 2 bedrooms. We are proposing 2 full bathrooms in these units.

I believe this a much nicer plan and hope it is what the Board had in mind. I think we did as good a job as we could do within the time allowed. We investigated different scenarios with the State. We really don't want to make a new application to the State because it would be a tremendous effort both financially and time wise.

Attorney Rubin asked Mr. Marra if the plans being referred to on the easel are the same plans that is before the Board in their package tonight? Mr. Marra stated "yes" and that the site plan was revised April 3, 2014 and the preliminary architectural elevations and floor plan are similarly dated April 3, 2014. Everyone is using and reviewing the same plans.

Attorney Rubin confirmed Mr. Marra's conversations with Richard C. Reilly, Manager of the Bureau of Inland Regulation, Division of Land Use Regulation, New Jersey Department of Environmental Protection, and the fact that you did write to Mr. Reilly describing the changes and that was in your e-mail correspondence of April 4, 2014 and you did receive a response from Mr. Reilly dated April 9, 2014 reflecting what you have already testified to that a minor modification is required of the approved plan and that the specific number of bedrooms per unit is not a concern to DEP. That is the main issue because that is the issue

the Board wanted us to clarify. You are advising us that this clarification is part of the correspondence containing two messages, and also attached is the plan which is the same plan that you have been testifying to this evening. I would ask that this document be allowed to be put into evidence as proof of these conversations and the DEP proposal, as Exhibit A3. Mr. Marra stated “correct”.

Attorney Rubin wants to clarify the bulk variances. Mr. Marra already testified that one bulk variance is the distance between buildings, but is there any way to avoid that variance? Mr. Marra stated “no”, not with the configuration that we have. Because we are restricted to develop this property within the area of disturbance, the buildings are smaller and closer together. Originally, the buildings went all the way to the back of the property to the 40’ rear setback. With the new proposal, we are requesting a bulk variance for the distance between buildings. We are also requesting a bulk variance for the distance of the building to the internal roadway. Whereas, there is a 40’ requirement and we do have a building that is 14’10” from the road. This variance is being requested because of the site configuration with the number of buildings within the limit of disturbance. I don’t believe these two variances would be a detriment to the community because we are 55’-60’ from Mountain Avenue so the buildings are set back from the main road. It is just the internal driveway that I am referring to for the variance.

Attorney Rubin, referring to affordable housing, questioned Mr. Marra that there were four affordable units in the originally approved plan, has there been any thought given to affordable units in this new proposal? Mr. Marra stated that the proposal before the Board is 12 market-rate units and no affordable units and this is with the thought to make it economically viable for the developer. We certainly cannot have four affordable units with this plan because of economics.

Mr. Marra testified that our proposal tonight requests only two bulk variances with 12 market-rate units and no affordable units.

Vice Chairman Graceffo wanted a clarification of the 34 parking spaces. Mr. Marra stated we counted a driveway spot and a garage spot so each building has 4 spots totaling 24, and in addition 10 across the front and 4 off the cul-de-sac. However with the 10 across the front, what we don’t have are the 4 spots in front of the buildings, we only have the garages, so that would be a total of 34 spots.

Member Reuter questioned that the garages on the front 2 buildings effectively open right to the street? Mr. Marra stated there is a buffer, with steps within the buffer, so there is a 24’ drive and then there is another 5’ space between the drive and the garage so it is kind of an apron.

Vice Chairman Graceffo stated that whole area is all macadam going into the building. Mr. Marra stated “yes”, but I think we can reduce the macadam area. I don’t believe the State would have any objection if we took away impervious coverage, even though the State told me not to change the footprint of the site at all so it would be an easy amended approval.

Attorney Rubin wanted to confirm with Mr. Marra that Mr. Reilly made it clear that the applicant could not go back to the State with an amended plan without the approval of this Board. Mr. Marra stated Mr. Reilly wants something in writing from the Town in order for the State to review the amended approval. In my mind that would be something like a resolution, or some other written response from the Town, that we could give to the State to show that the Town is in favor of and approved this amended plan. The State needs something in writing before they will review it.

Vice Chairman Graceffo does feel that it is a much improved site plan development. From my perspective, the actual units are much more viable in terms of what the town and community would like. The big question is the COAH responsibility, which our attorney and professional need to respond to.

Attorney Rubin stated it is an unknown for a lot of us in the field because of the “chaotic situation” in affordable housing right now until the Supreme Court comes down with their next decision on the third round. None of us really know what is happening, but we do know what the old rules were and that is what we are going to have to live with at this time. Vice Chairman Graceffo stated the fact that you are reducing the number of units might give some indication of reducing the number of affordable units. But to take a zoned area, which is an affordable housing zone, to go to zero may be an issue down the road for the community.

Attorney Rubin recalls the Board’s consultant mentioned something he was looking for two at one time for this site.

Attorney Veltri stated I believe the Mayor talked about 13 units and how many would we need, and I think Mr. Albert said in excess of 2, but maybe at 12, it would be 2. If you just look at the percentages based upon 18, it is 2 to 3.

Attorney Rubin called the applicant’s Site Engineer to give additional testimony.

Attorney Veltri swore in Mark Palus, of MAP Engineering
I have a Bachelors & Masters Degree in Civil Engineering from Rutgers University. I have been working in the field of civil engineering since 1994 and since 2000 I have been the principal of MAP Engineering. I am a Licensed Professional Engineer in New Jersey since 1997 and have testified in front of approximately 50 different municipal boards over the last 17 years.

Testimony of Mark Palus

Engineer Palus testified that his involvement in this project comes from a drainage standpoint only.

This plan was submitted to and approved by the DEP as part of the Highlands exemption process. We have an area of wetlands to the east of the property, which has pushed the development up towards Mountain Avenue. We are basically proposing two different drainage systems. One is a series of seepage pits located in the northeast corner of the property. These seepage pits are going to collect the roof runoff from Buildings 1, 2, 3 and 4. These will be piped directly to the seepage pits where they’ll recharge into the ground. This will help us satisfy our recharge requirements. We have to detain the runoff as it comes off the site so it is not coming off faster than it was today, but you also have to make

sure you put water back into the ground so we are not depleting the aquifers. Based on the requirements of the DEP, the rear 2 buildings are going to drain their roof leaders off the back of the site towards the area of the wetlands. We went through exhaustive calculations with the DEP to document that the rate of runoff coming off the backside of the property is not going to increase because of what we are doing so we are not going to flood behind us, but the DEP actually wanted to make sure we still had water going behind us because there are wetlands there and the wetlands need water. The roof runoff is considered clean runoff. There is no tar, no oils, gasoline or anything like that that you will find on a parking surface, so the State lets you put that water right back into the ground.

The other impervious surfaces we had to deal with on the site were the roadway, driveways and the parking area in the front. Those areas are not considered clean runoff so we are collecting that water through a series of inlets throughout the development and they are going to be piped to a large detention system which will be under the front parking lot. That detention system consists of a series of 48" pipes with manifolds on either end, and an outlet control structure at the northern end of it. This will collect all the water that is not coming off the site faster than it was because we put down this pavement, it will build up in these pipes and we have an outlet control structure that will release it at the appropriate rates so that we are not exceeding the current rate of runoff. In fact, not only are we not exceeding the current rate of runoff, the DEP requires you to provide a reduction. For the 2-year storm, which is a storm event that would statistically occur once every 2 years, we have to reduce the rate of runoff to 50% of what it is today. For the 10-year storm, the reduction is 75% of what the rate of runoff is today, and for the 100-year storm, it is 80%. All those calculations were submitted to the DEP and approved by them as a part of this process. This process involves a significant amount of underground piping beneath the road surface. Once we have the water controlled, so it is not coming out faster than it is allowed, the other issue we have to look at is water quality. Since the water coming off the roadway is no longer clean, we have two mechanical structures which will feed from our detention system, basically oil and water separators that help take out some of the grit, oils and other soluble materials from the storm water before it is discharged to an inlet out in Mountain Avenue. From Mountain Avenue we are going to run a pipe down along the edge of the curb and tie it to the existing municipal storm system. Presently there is water coming off the site now to Mountain Avenue and runs down to the same point so we are not changing where the water is going. We are providing detention so it is not coming off any faster than it was before and, in fact, it is coming off slower, and we have water quality so that the water that comes off is of no worse quality than what was there before. Seepage pits provides for the ground water recharge so we meet that criteria. After numerous go a rounds with the DEP, we have a site that is designed to meet their specifications, which is a little bit more stringent because of the environmentally sensitive nature of this project due to the Highlands and wetlands. There will be an extensive amount of drainage improvements, but it is what the DEP requires as part of this application.

Engineer Cristaldi stated he is not going to require any changes that would trigger the applicant having to go back to the DEP. The Applicant has satisfied the elements of what I would need. The Applicant is going to supply a maintenance plan for the detention system to the manufacturer's specifications. The only other thing I had asked for was that there

be enough clean outs in the roof drains and to put sumps in the two inlets before they go into the detention system and the seepage pits just to collect the grit. Engineer Palus stated that they agree to Engineer Cristaldi's requests.

Vice Chairman Graceffo questioned who, in the future, maintains these tanks and pits? Attorney Rubin stated right now it's a Homeowners Association, and now that these units are larger it would seem that would benefit the whole concept of selling.

Mayor Mahler, referring to the March Minutes, specifically page 14, where Mr. Albert made the following comment about affordable housing distribution, "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." So what he really said is 12 units would result in 2 COAH units.

Vice Chairman Graceffo stated that this is a concern and, other than that, I truly want to congratulate the architect on a nice job of making a much more presentable project, and the entire Board is in agreement.

Vice Chairman Graceffo stated that the only thing now is how do we get around the requirement that this, being an affordable housing development, how do we move ahead with 2 units?

Mr. Rubin stated that, after we are finished with all the testimony, if you could give us five minutes to discuss among ourselves and then we will respond to the Board on the affordable housing issue.

Engineer Cristaldi continued that since Engineer Palus only covered drainage, there were still water, sewer and roadway items in my letter of March 13, 2014 which are still going to have to be complied with.

Mayor Mahler questioned if they are going to increase the water lines?

Engineer Cristaldi stated the plan had shown that they replaced the water line where it is now, but it is not in the right of way, and I don't know if the Borough even has an easement where it is now. It could be on someone's private property. Because of this, I want the Applicant to bring it out and put it in the right of way where it belongs all the way up to where he was going to extend it and then he can go back over and tie it into where it was before.

Attorney Rubin stated the applicant agrees to this.

Engineer Cristaldi continued that the Applicant is going to run, at least, an 8" main all the way down to wherever he can connect with. I don't want you to tie into a 2" or a 4" pipe and run an 8" into the development. You are going to have to go down the street until you find the nearest, at least, 8" pipe to connect to.

Attorney Rubin stated the applicant agrees to this.

Engineer Cristaldi continued if any homes that are now removed from the old water line, you are going to have to connect them to the new water line and put a service in for the homeowners.

Attorney Rubin stated that he believed that was part of the old Developer's Agreement and it will be in the new one also.

Engineer Cristaldi stated there should be one hydrant on Mountain Avenue at the end of the main where you cut into your property because the streets inside your development are probably private so there should be one hydrant at the end that the Borough can use to flush the main if they needed to.

Attorney Rubin stated the applicant agrees.

Engineer Cristaldi just reconfirmed that you still have to make sure you run everything by the Wanaque Water Department and get their approval for whatever it is that you do. Regarding the sewer, you are going to have to deal with the Sewer Authority directly for whatever requirements they have. Since you are going to be doing a lot of excavation on the road for the water, sewer and services that you will be running to the development, and that road is not wide to start with, I have in my report that the Applicant would go down and mill and pave the road when done for the portion that has been excavated, on both sides of the road.

Applicant/Developer, Stanley Kazanowski, who was sworn in at the March meeting and continues to be sworn in this evening, addressed the paving issue. He stated that if the road does need to be repaved, I will repave it. This all depends on where that water line is and where the curb line is. If it comes to be that we can do it and do it a nice clean way, that would be good. But if not, and we have to expose the road, then I will redo the road. Actually, it would be easier and more beneficial to just repave the road rather than patch it.

Attorney Rubin has no other testimony to be presented this evening.

Vice Chairman Graceffo will hold this application open while Attorney Rubin and his client take a ten minute recess and the Board will continue with the meeting. **

PUBLIC DISCUSSION: Let the record show there is no one in the audience for public discussion.

RESOLUTION: None

VOUCHERS: submitted by Steven Veltri, Esq. on the RSK Development Application in the amount of \$1,970.

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

Vice Chairman Graceffo advised Attorney Rubin that the Board was ready to continue.

Attorney Rubin stated 2 affordable units would be acceptable and that is the best we can do. I assume based on my limited knowledge of the Fair Housing Act that they would have to be split between the two types of units; one would be a 2-bedroom and the other 3-bedroom. The only other question we have, and I think we will have to take it up with your consultant when the time comes, is if the affordable units could be put in another location within the community. We will ask your consultant at the appropriate time if that's available. However, our obligation is two units.

Vice Chairman Graceffo wants to commend both the developer and the architect on really putting together a much more viable project and I feel good about what you have presented this evening. I would like to really move ahead on it, but the questions of the COAH units remain to a point where we just have to solidify its legalities for both the community and you and then this project should be able to move ahead. I think the Board really needs to get a more formal understanding between what you are going to propose for the COAH units and what we can and what our counsel can say, "yes, this will work within the project and zone", and if that goes the way we are talking about tonight, same number of units and two of them being COAH on site, I think this will be a very viable project for the community.

Mr. Kazanowski stated he would do the COAH units on site, but if there is a way we can put them offsite that would work better.

Attorney Veltri is suggesting that we adjourn this application for one month. In the interim, we are going to try and get a written report from Mr. Albert and I believe there is also a Special COAH Counsel for Wanaque, and we are going to try and reach out to whomever that might be and try and get some guidance. Attorney Rubin and your architect can certainly join in the conversation. With your consent, we would like to adjourn until the May meeting and get more information on this subject.

Attorney Rubin wanted to know if we can also ask whether the COAH units could be offsite.

Attorney Veltri said "yes". We may engage in a conference call at some point between tonight and the next meeting if we can get those people on the line.

Mr. Kazanowski stated I know it takes much longer to get the approvals from the State than the town, so can I tell Mr. Reilly that we are going in the right direction with this.

Attorney Veltri stated I believe the presentation was favorably received and we are going to try and put this up for a final vote.

Attorney Rubin asked, if we work out these numbers in the next few weeks with the consultants, do you think we have to come back or can this be done administratively? Do you need another hearing?

Vice Chairman Graceffo believes we should have another hearing to formalize the matter. Attorney Veltri stated he doesn't believe your experts need to appear unless we run into difficulties, but we would like to put it to a formal vote on the record.

Vice Chairman Graceffo suggested that maybe in that front building you could put curbing in to separate the building from the roadway. I think that would make it much more appealing than just all macadam going into that roadway. The Applicant agreed.

Attorney Rubin stated they will be back before the Board on May 15th.

Vice Chairman Graceffo would like to open this Application PB2013-03 to the public. Is there anyone in the audience that has any points of interest or information on this project, please step forward?

Let the record show that there is no one in the audience to discuss or present any information on this application. Public Discussion, therefore, would be closed.

Vice Chairman Graceffo stated we are also going to put on the record that this Application will be continued to our May15th meeting.

MOTION TO ADJOURN AT 9:05 P.M.: made by Member Slater, seconded by Member Platt. Motion carried by a voice vote.

**Jennifer A. Fiorito
Planning Board Secretary**