

PLANNING BOARD
BOROUGH OF WANAQUE

APRIL 21, 2022

REGULAR MEETING

IN PERSON MEETING

Meeting called to order by Chairman Gilbert Foulon with a salute to the flag at 8:00P.M.

READING: Open Public Meeting Announcement

This is 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 on February 27, 2022, and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque, on the Borough's website, a copy thereof has been on file with the Borough.

ROLL CALL: Chairman Gilbert Foulon, Vice Chairman Joseph Graceffo, Mayor Daniel Mahler, Councilman Dominick Cortellessa, Members Kevin Platt, Charles Strobel, David Slater, Jack Crilly, Jack Jordan and Donald Pasquariello

ABSENT: Member Mary Leonard

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

MINUTES: from the March 17, 2022 Meeting.

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

APPLICATION STATUS: No New Applications

NEW BUSINESS APPLICATION: Chrisanns Hair Studio

Property Owner: Grace & John Maiello, 26 Rhinesmith Avenue, Wanaque, NJ

Property Address: 585 Ringwood Avenue, Wanaque, NJ

Business Owner: Thomas & Chrisann Parsells, 26B Storms Avenue, Haskell, NJ

Applicant stated he was opening a hair salon. One operator to begin but it would turn into two. We'll have one sink and two stations. The other two sinks are in the bathroom and kitchen area.

MOTION TO APPROVE: made by Member Jordan, seconded by Member Strobel.

Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Slater, Crilly and Jordan

NEW BUSINESS APPLICATION: House of Smoke

Property Owner: Ahmad Faqiryhan, 19 Myrtle Avenue, Wayne, NJ

Property Address: 544 Ringwood Avenue, Wanaque, NJ

Business Owner: MNM Convenience LLC, 511 Sussex Street, Paterson, NJ

Applicant stated he was planning to open up a smoke shop. We have all the smoking needs. We are selling hookah products from the hookah itself to the tobacco and all the accessories. We actually make custom make hookahs where customers can place an order, come pick it up and take it home and enjoy the hookah. We also sell cigar cutters, things of that nature, and special items that they wouldn't see anywhere else that would make smoking for anyone more convenient.

Councilman Cortellessa brought up the operating hours of the business seven days a week from 10am to 12am. Applicant stated that, when he completed the application, he wasn't sure if there was even a curfew. We don't plan to stay open that late if we are not allowed to. Our preferred hours will be 10am to 10pm and I'm not sure if that also poses a problem. We would probably only do 12am on Fridays and Saturdays.

Councilman Cortellessa commented that a smoke shop has a broad definition and New Jersey has approved marijuana selling, but Wanaque has not approved it. Applicant stated he had no intention of at all, whether it be today or a year from now, in going forward of ever taking apart, growing or selling marijuana at all. We are just literally doing the accessories for smoking. We would never allow people to make a location where they can hang out and ever smoke their hookah, let alone marijuana. We don't want anything to do with that. We actually spoke to the landlord and told him we wouldn't even be dealing with CBD. We don't have any intention of taking part in either. There will be no smoking or hookah use on site or indoors. The only ones that will be put together that could even be used would be the ones that are up for display. Everything would be sold in pieces and you would actually have to take it home and put it together themselves. This is not a smoking lounge. We do not own any other smoke shops. Our family owns and operates a bagel and bakery business. We believe we are younger, we know what is more hip, we'll have newer products and more exotic products from other countries than In &

Out Smoke Shop would have. We also believe that people that live on this end of town would stop by for convenience rather than drive 2 or 3 miles farther away.

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

Voting no were Chairman Foulon, Councilman Cortellessa, Members Strobel and Crilly. Motion Carried 5 – Yes / 4 - No

Application PB2022-04 – Wanaque Depo Urban Renewal LLC

Attorney Lipari: I am Michael Lipari, an attorney with Mandelbaum Barrett, and I am counsel to the Applicant, Wanaque Depo Urban Renewal LLC. We are here before you again at our third meeting seeking Preliminary & Final Major Site Plan and Minor Subdivision approvals for the project that will be known as “The Depo”.

At the last hearing we concluded our testimony but there were some outstanding issues and some things that we needed to address and I am going to run through those for everybody and hopefully you will indulge me and let me get through most of my presentation, and I am going to get right into some of the open items.

At our last hearing, our Project Architect provided a line -of-sight cross section diagram, which was labeled Exhibit A-6. It was Mr. Klimek who testified that you wouldn't be able to see from any point on Greenwood or the neighbor's residences the warehouse building that was being proposed and that you would not be able to see the retaining wall from the back due to the tree line. There were certain spots that you could potentially see thru that might be visible in the wintertime when there wasn't full foliage on the trees. As a result of that, we indicated that we were going to use a special block that was going to have plantings within it so that would adhere to the natural habitat, so the math and the data and the exhibits that we provided to support that was not rebutted from any professional testimony. However, the Board and Mr. Benecke had requested that we provide some additional testing for the residents so we prepared and tried to present a field sight line verification test to demonstrate to the residents the approximate height and location of the different points of the retaining wall. Unfortunately, the companies that we sought out to help us perform these studies were unwilling to do so due to the nature of the slope of the wall and the danger that was associated with it, so the only people that were crazy enough to scale the side of the mountain with a 4' balloon with on 70' rope were the Applicants themselves, which they did on two different occasions. They went out and conducted a test with a rope and a balloon at the approximate locations of where each point on the wall would be up and down Greenwood Avenue and we presented that data and those findings, as we indicated that we would, to the residents at a meeting on April 19, 2022. There were about 20 local residents that came out and a couple Members of the Board that were there as well. We spent two hours demonstrating what was done and answering any questions that the public had for us about that. I'm not going to introduce this as an exhibit because

of the fact that it was the Applicant who did it and they are not qualified or certified to do so and I don't want to dilute this record or make it seem like this is a test that we can certified to. However, we did present this for two hours to the members of the public that showed up.

Chairman: You satisfied their questions with that exhibit.

Attorney Lipari: We certainly answered all the questions that they had. To their level of satisfaction, only they can tell you and maybe they will tonight but we believe that the information that we presented to them and the data that we presented to them was consistent with what our Architect and Engineer had testified to at the hearing, which was that the wall will be very much unseen from Greenwood Avenue, the warehouse will completely be unseen from Greenwood Avenue and there will be no negative aesthetic impact on the neighbors.

Chairman: Okay.

Attorney Lipari: One of the purposes and benefits of having the neighborhood meeting was that we got to hear other questions and other input from the neighbors, which we wanted to gather and see if we could improve upon our plan. There are certain things that we can't improve upon, or we can't modify just because of the nature of the site and the difficulty with the topography and everything like that, but we wanted to make some tweaks. What we learned from some of the residents is that, at the top of the retaining wall, they would prefer to have arborvitae instead of the white oak that we had proposed because of the nature of the tree and the screening. As a result of that, the Applicant would agree to make it a condition of approval in order to provide better noise and light screening to the residents that we would use arborvitae on top of the retaining wall instead of the trees that we had proposed.

In addition, we had looked for ways to potentially add some light and sound barriers as well. We had located and identified a spot on the plan, which was an island between the warehouse building and the retaining wall on the eastern portion, and there was no planting proposed in there and we will propose arborvitaes there as well so that it will continue to screen and buffer light and sound from the trucks that are accessing the warehouse loading decks. We would agree to make that a condition of approval as well. We understand that some people will still have some issues with that and there are also some issues about the light and noise of the trucks. We looked into that and we decided, as a team, that the Applicant would make a condition, just like we did with the traffic, to come back at a later date once everything is up and operational and if there are concerns and we cannot meet the sound requirements from the property level that we install on our side of the retaining wall and the arborvitaes some sound attenuation panels as well. Just like our Traffic Study, where we'd come back and make sure that we are actually complying and the information that we are providing to you is accurate as we presented it beforehand sort of like an as-built study.

Councilman: You are going to put up an addition barrier.

Attorney Lipari: We believe that it is not going to be an issue based upon everything that we've already done. But we will come back and agree to look at it after the fact, like we

are going to do with the traffic. If there are some issues, we will add to the sound attenuation.

Attorney Lipari: Another concern was the potential for sound with engine braking. Applicant has agreed to put up the appropriate signage that we will prohibit engine braking at the site and we will work with the Board Engineer to find the appropriate locations. Obviously, we don't want to litter the site with signage because they'll need to be on the upgrade so we'll find the appropriate locations and we will agree to that as a condition of approval as well.

Questions were asked about the safety along the retaining wall that abuts the residential area. As a safety measure, Applicant is proposing to install 6" curbs around the building and where any wall exceeds 4', a guardrail will be installed and behind the curb, a fence will be on top of the wall for fall protection. This is in the case of the retaining wall that abuts Greenwood Avenue. This would be in addition to having a row of arborvitae so it would be curb, guardrail, fence and arborvitae in order to provide protection.

Other questions that have been raised during the hearing and since we were here last was issues without outside agencies approval. I would like to address that real quick.

Applicant is consenting to all outside agency approvals as a condition of their approval. Specifically, we are consenting to, as a condition, NJDEP approval with regard to stormwater management. In order to provide additional assurances, Applicant has also agreed to provide an Engineer's Certification stating that no design waivers are proposed as part of the project's stormwater management system and the design complies with the New Green Infrastructure Requirements for stormwater quantity, quality and recharge. We will provide a Certification from our Engineer that we will agree to meet the standards, and that our plan does meet the standards, we just cannot get DEP ahead of time to sign off on it because they won't do a full review until we have local approval from this Board. It's a little bit circular, but we will make sure that we have and we will provide assurances that we will meet all of the stormwater requirements, and we designed our plan exactly for that. From a legal standpoint, there is a case *Stochel v. Planning Board of Edison* holding that the Planning Board could not consider the impact of a development near wetlands because the DEP had jurisdiction and that the Board's only power was to condition its approval on the developer's receipt of approval from DEP. So, we are just asking that this Board act consistent with the governing caselaw that allows us to make these things as conditions of approval and we have every intent, and we are required, to comply with those. We cannot move forward until we comply.

There were some issues that were raised regarding water flow. A water flow of 5,700 gallons a day was estimated for the proposed development and it was submitted to the Municipal Utility Authority for a water will serve letter, which was granted. A hydro flow test is also going to be performed to ensure that the flow is adequate. We are consenting to this being a condition of approval that we meet all of those requirements and we absolutely have to because we can't get any building permits unless we satisfy those requirements. We are asking again that these items be addressed after the fact. We have the will-serve letter and we know it is going to comply. If the current setup does not comply, we will just have to additional actions to make sure that we provide the infrastructure that it will comply and we will do that as a condition of approval.

One issue that did come up at the neighbor meeting, and I just want to address it briefly in case it comes up again, I just want to have some background on it. A question was raised

about the definition of what is a retaining wall. It was suggested that the retaining wall was not a retaining wall and that it was violating the setback. I just wanted to bring to the Board's attention that pursuant to Wanaque Code §89B-1 retaining walls are defined as: *"A structure designed and constructed to provide the lateral resistance necessary to prevent horizontal movement of the vertical plane of a mass of soil and which acts as an opposing element to the tendency of the soil to displace laterally to form a natural slope."* I'm sure your Engineers and our Engineers would agree even though I'm a little confused by it. The requirement is the building be set back 100' and we comply with that, and then some. The Board's Professionals all reviewed the plans and I'm sure they understand the definition of a retaining wall and our retaining wall is not located in a manner that violates any setbacks.

Now, I think I want to briefly summarize some of the testimony that we had and some of the deviations that we were seeking because we had a couple of hearings and I know it has been a couple of months since we started.

Attorney Veltri: Before you start that, I just have a couple of questions. All of the conditions that you mentioned, landscaping and things of that nature, are you going to be amending your Site Plan to show those?

Attorney Lipari: We would absolutely amend the Site Plan for Resolution Compliance.

Attorney Veltri: So, when we have a Final Site Plan, all those things will be on it and we don't have to refer back to this transcript.

Attorney Lipari: Absolutely. As part of Resolution Compliance, we will amend our plan to show all of the things that I indicated; plantings and the curbing, which I already think is on there, and we've already amended to add the keystone block, but it will all be on there, yes.

Attorney Veltri: You also have from January our Engineer's Report and our Planner's Report, and there are conditions, and you hit on some of the water and sewer conditions, is the Applicant stipulating that they will comply with all of the Engineer's and Planner's issues in those reports?

Attorney Lipari: Yes. The last revised reports there were notations in there that we've already agreed to most of them and I think we've addressed through testimony and all of the supplemental submissions that we will comply with everything.

Attorney Veltri: Okay, I just want to be sure because I don't want to have to go back in the Resolution and pinpoint each and every condition.

Attorney Lipari: Right.

Planner Benecke: I think your point is really well taken and may I suggest, Mr. Lipari, if this is approved, that they at least send you a lawyer's letter outlining all of these conditions which will help make your life a lot easier in preparing the Resolution.

Attorney Veltri: I agree, that would be great if Mike will do that.

Attorney Lipari: I absolutely will. It'll be my pleasure.

Councilman: I did hear, but maybe I didn't hear properly, that you agreed and approved to most of them, not all of them. Did I hear that wrong?

Attorney Lipari: No. I went through this with my Engineer last time and we wanted to be on the same page because I know there is always a question if you will comply with everything and I wanted to make sure that there was nothing in there that we had to object to and he said we could comply with everything. There are some things that are technical

so I have to check with the Engineer and he was okay with it. Some of them we already consented to or complied with through revisions, that is what I meant to say.

Councilman: The water flow issues you are complying with as well?

Attorney Lipari: Yes, we have to. We have to and we will.

Councilman: I want to hear the words.

Attorney Lipari: We will comply.

Planner Benecke: I think there is an open issue as well with respect to a tree replanting plan. I believe that there was, or at least this is my idea, a commitment to have a replanting or an escrow so that if an "x" number of trees are taken down, they will either be replanted or there is an escrow for that.

Attorney Lipari: Yes, that's fine. We agree to that.

Planner Benecke: You'll comply with that?

Attorney Lipari: We will comply with that.

Engineer Cristaldi: The only other one I didn't hear you mention was the sewer pump station. You'll upgrade the electric service from Union Avenue.

Attorney Lipari: That was part of it, right, and we agree that we would comply with that, yes.

Mayor Mahler: One other thing would be in regards to the roadway. The roadway on the west side of the property appears to be the main roadway that is going to be used. One of the thoughts I had with the roadway on the east side was to eliminate it, but then I found out that is really required for fire access. I think if the Applicant can say it'll make every effort to use the west side driveway as much as possible and only use the east side driveway. Looking at the plan it looks like anybody going out of there wouldn't even use that driveway, they would come out through the parking lot. The east side driveway is the one that slopes towards the residents' houses but was told that they really need that for fire access, but the west side driveway is the one that would appear that most of your traffic is going to use.

Attorney Lipari: Right.

Mayor Mahler: I believe the east side driveway really should be reserved as much as possible for fire access and not utilized for traffic.

Attorney Lipari: Unless of course they need it to access for this particular tenant.

Mayor Mahler: Right.

Attorney Lipari: We can certainly make our best efforts.

Councilman: You have a significant number of cargo bays on the east side as well and you have a significant number on the west side. I see what the Mayor is saying is that hopefully you would be coming up the west side a little bit more and making the turn around the building to get to the east side, which avoid a lot of additional traffic for residents on the east side.

Chairman: Why don't we put a fire gate on the east side with only the Fire Department and tenant having the only access.

Attorney Lipari: I think it is essential that we have the free flow circulation otherwise there would be all U-turns being backed up on the other side. We have mentioned this a bunch of times, the Applicant has stated passionately that they are looking to use some of

their tenants to help achieve and resolve some of these issues because they don't deal with angry neighbors as much as the angry neighbors don't want to deal with us. We noticed that there is a very small vacancy in this marketplace right now and the Applicant theoretically should have some leeway on which tenants are the most appropriate for this site. Applicant has stated time and again, I don't remember in which forum, I know it was at the residents' hearing, I hope that you trust us that we are going to use our best efforts to choose tenants.

Chairman: Okay, the east side will be used on a limited basis.

Attorney Lipari: It is so hard to predict without having a tenant and knowing what their exact needs are. It is in everyone's best interest, including the Applicant's, to try and do exactly what you are mentioning, but we can't sit here with 100% certainty and say that without having a tenant involved and knowing exactly what their needs are. We don't want to limit ourselves and our site as a result of that. It would really handicap us in our efforts to try and find tenants if we have to put on restrictions that we don't know if they are apply or whether or not they have an impact yet.

Councilman: I am the President of Wanaque Reserve Association. It is a 755-unit condominium association. Three of the buildings, 225 units, abut the sewer authority. We have on average daily 25 in and outs of trucks, 18 wheelers and larger trucks. We've been able to control the noise levels within those trucks coming and out, so I think you can do it. 25 trucks a day coming in and out is probably as much as you'd be doing every day, I would think. We were able to control that by working with the residents and working with the company to make sure that they provided the best possible solution for trucks coming in and out. Noise levels I am talking about.

Attorney Lipari: As we testified and stipulated to earlier in our application, Applicant maintains, as a condition of approval, that it will provide updated traffic analysis to demonstrate conformance with the projected detailed traffic analysis and the testimony that was put forth by our Traffic Engineers. I think we could stipulation, as part of that study, we will also agree to study the internal traffic roadways and see if modifications need to be made. We agreed also that if there is a modification to be done, we would put up the sound barriers to prevent that. I think we've already sort of addressed that and we certainly agreed already to revisit that at the appropriate time when there is actually real-time data.

Attorney Lipari: Again, I'd like to summarize a little bit of the testimony and the project and just outline briefly some of the deviations that we were seeking as part of the application. As a little bit of a background, this is a permitted use and it has been a permitted use since the early 90s. The recent adoption of the Redevelopment Plan reaffirmed the right to develop this property as a warehouse and that's why the Applicant has spent the better part of two years developing this comprehensive plan for The Depo. Our Professionals have gone through numerous iterations of plans to try to work on this extremely difficult site with the extreme topography to come up with plan and we believe what we came up with is really a tremendous plan for the site that permits a warehouse use. Our Professionals have testified that there are some deviations being sought and they are based upon the unique features of the site and the exceptional topography and the physical features that uniquely effect this specific property in strict compliance with the regulations and the development of this site will result in a peculiar and exceptional

practical difficulties and exceptional hardship upon the Applicant, as was stated by our Professional Planner at the last hearing. The reasons that these deviations are needed is because when the Redevelopment Plan was drafted, they were unable to actual determine what the topography was on this site. They couldn't get a Topographical Survey done because it was too difficult to manage. We heard from our Planner also that this particular plan, as he reviewed it, allows for a lot area this size, a building of this size and the type of user and operator that we're proposing.

We are seeking deviation from the minimum lot size of 28.5 acres for Lot B, which will be 3.65 acres. That is the Minor Subdivision we are seeking. We are simply carving out a little section that currently has a residential home and we are leaving it as is. Our Planner testified that this will allow for an extended buffer into the residential neighborhood with no adverse impact because it is going to remain undisturbed. That is the first deviation we are seeking is the lot size for Lot B.

We are also seeking some deviations from the maximum height of a wall sign, which allows 16' and we are proposing one for 40' and the maximum height of a sign where 2' is permitted and 6' is being proposed. Our Planner testified that this is due to the type of building and that it would not fit into the character or the type of use to have small, low sign on a wall that is going to be 40' high. It is a better planning alternative to have it at the size and the height that it's proposed and it is located very far away from both Union Avenue and can't be seen from Greenwood Avenue so it should have no impact on the surrounding neighborhood.

We are seeking a deviation from the building height. This is an average building height where 52.62' is proposed and 48' is permitted. This is again due to the way that our Architects and Engineers had designed this building to sort of integrate into the mountain where it is a stepped-up basis so at certain points in the front building the elevation is a little bit higher and its due to the extreme topography. Rather than just cutting the mountain in half and dropping a big rectangular warehouse on it, we tried to make it look like it was part of the design of the mountain. As a result of that, the average elevations, we had to deviate slightly from the height requirement. It's 4' so it is within the 10%. Our Planner testified that it meets the C-2 Criteria, and as I explained, the reason for it was the stepped-up design but also that stepped-up design allows for stormwater improvements and additional fields that will be able to absorb the stormwater. Those additional fields and step-ups have a benefit because it is part of our stormwater management plan. As a result of that, there is a benefit to the neighbors instead of a detriment. Again, this is a building and a site that can't be seen from the neighborhood so there is really no detrimental impact on having a couple feet variation on average grade. Another deviation we are seeking is a maximum pervious coverage. 50% is permitted and we are seeking 56.2% and this also meets the C-2 Criteria. The impervious surface is usually capped in order to control the flow of stormwater. That is the biggest issue we have with impervious surfaces. The reduction that we have proposed on this site, which meets all the DEP standards, is we are reducing the stormwater flow from 231,643 square feet of stormwater flow to the neighbors' side, to 7,442 square feet of stormwater flow. It is about 3% of the existing runoff will now continue and the rest will be captured and filtered and rediverted. The stormwater runoff is an enormous reduction and an enormous benefit to the neighbors on Greenwood Avenue that sometimes have to deal with flooding as a result of the stormwater runoff.

The other deviation is from the minimum off street parking spaces. We are proposing 144 spaces. We are seeking this deviation out of an abundance of caution because the Underlying Zoning Ordinance and the Redevelopment Plan don't specifically give calculations or requirements for warehouse parking spaces. What we have done is we took the ordinances that were closest to the warehouse and took their parking requirements, did a calculation and it said 576 spaces would be required. Our Planner testified that he didn't think it was a really deviation and I think Ms. Gleis also agreed with us that there really is no deviation. None the less, our Planner did testify that, if the Board believes there is a deviation that we need to request, that we have satisfied the C-2 Criteria because it meets the ITE Manual for warehouse parking and it would be a much better planning alternative to have sufficient warehouse parking on the site. Again, there is no detriment to the neighbors to have this additional parking because most of them are secluded. We are seeking a waiver of the maximum retaining height wall of 10'. This has been discussed ad nauseam, but the extreme slopes and topography on the site makes the development on this site impossible without exceeding the 10' restriction on retaining walls. At the neighborhood meeting, someone asked why can't we bring it all the way down to grade? That would probably take many more months of blasting in order to lower the mountain and completely demolish the mountain. It would also bring the warehouse to ground level right behind all of the residents. Even if we did that, the rear of the property would probably have a 100' retaining wall because half of the mountain would still be there. There is no possible way to develop this site without exceeding the 10' maximum on the retaining wall. We did a lot of things, and we believe that the plan that we put forth adequately addresses the retaining wall and the concerns of the public by going through great lengths that the Applicant took great expense to propose the type of wall that has plantings within the wall that will sort of adapt to the natural landscape and the natural foliage that is there right now. As a result of that, the hardship is clearly the topography and we believe that we improved the aesthetics with no detriment to the neighbors or to the neighborhood because, as testified earlier by our Architects, it's going to be virtually unseen for the most part the wall and certainly the building. If nothing else, the wall blocks the building.

Our Planner went through and provided this Board with some of the goals of the Municipal Land Use Law that this plan achieves, specifically Purpose g. which is "To provide sufficient space in appropriate locations for a variety of ... industrial uses and open space..." Our Planner testified that this an appropriate place for an industrial building of this size to be built and it is contemplated in the Underlying Zone and it is contemplated in the Redevelopment Plan. Purpose h. is "To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;". The driveway is located 850' from Route 287, which is a roadway that will absorb most of this traffic and we provided a safe and efficient travel plan. Purpose i. is "To promote a desirable visual environment through creative development techniques and good civic design and arrangement;". The spacing and buffering that we have used we continue to use and maintain the natural 50' buffer that already exists with the existing mature vegetation and then we added a mix of deciduous, evergreen and arborvitae trees on the site. We've maintained many acres on the bottom that will remain in pristine condition of the wetlands. In addition, the patterns of designed being used by the Architect's office with

the stepped-up design. The Engineer and we went to every extent possible to try and balance out the very harsh and steep environment that is the side of this mountain. Purpose m. “To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;”. To that, our Planner testified that the Applicant balanced the landscaping, the pervious areas, stormwater underground, lighting is closed off with shielded fixtures directed downwards and it is a great distance from the residential neighborhood.

Finally, our Planner concluded, with regard to the negative criteria, that there is nothing about this project that would substantially impair the Underlying Zone Plan, the Redevelopment Guidelines or the Master Plan. In fact, it is exactly in keeping with what you are looking for and the benefits outweigh all the detriments that would be created by granting these deviations.

That was the summary of the Planner’s testimony. I think we here to answer any of the questions, but again I have no affirmative testimony to put on at this time. Unless you have any questions of me, I will stop talking and sit down.

Chairman: Thank you Mr. Lipari. We would like to hear from Mr. Benecke now.

Mr. Benecke: This, as Mr. Lipari noted, is the third hearing on this matter. The first was February 17th, the last one that we attended was March 17th and then tonight which is obviously April 21st. On or about September 16, 2021, there was a hearing on the conceptual site plan for approximately 330,000 square feet of warehouse space. That concept plan was required under the Redevelopment Plan as a precursor and a preview to the Planning Board as to what might come forward. The issue was Redevelopment is two-fold. One is that we can do things like have a neighborhood meeting and the Applicant can be better informed and having the neighbors and interested parties provide feedback is critical. I must say that everyone was very engaged, for at least the time I was there, and has been engaged and has been very thoughtful and very articulate. The one issue that did come up that Mr. Lipari mentioned, and I was going to stay away from, is this retaining wall matter. The retaining wall issue is a separate section of our ordinance and the Zoning Ordinance doesn’t speak to retaining walls as structures, but rather as part of a landscape. If it is part of a foundation, it would be considered part of a structure. This is not part of a building structure from a zoning perspective. I just wanted to get that out there.

The going forward benefit of the redevelopment to the redeveloper on one hand is the fact that they do get informed, they have more professionals sitting before them and they do have the additional layer of deviations that they have to deal with head on. In terms of the Borough, we have a concept plan that you’ve already seen, we’ve had the neighbors engaged and we’ve the County engaged. Remember, on the other side of the property, there is the Passaic County College. The condition of approval that Mr. Lipari did not mention is that this will be subject to County Planning Board approval because it is situated on a County road and also their traffic approval. Obviously, Mr. Lipari did not miss that intentionally, it’s just that the County has been, just as we have, tossing them around pretty as well with respect to sidewalks, traffic, driveway, etc.

On March 17th I estimated that there would be three economic features as part of this Redevelopment Plan according to the Borough. The first is that there is a required

development fee to be paid for affordable housing. I just want to make this clear, especially for the Members of the Governing Body, the Mayor, Mr. Foulon, and others, that money will be used, there is 2-1/2% of the assessed value at the time the c.o. is issued, will be used to continue and to actually enhance, which is called the present need and affordable housing rehab. In January, at the Reorganization Meeting, the Mayor mentioned how we are going to improve the housing stock for those qualified homes in Wanaque. This will be a big benefit to us to do that. We take the total assessed value and, let's just assume hypothetically it is \$20,000,000, 2-1/2% is \$500,000, that \$500,000 goes into a controlled, State mandated escrow to be used for qualified homes in Haskell and Midvale areas. I think that is a unique advantage and I think that is important for everyone to understand. Again, to Mayor Mahler and Councilman Cortellessa's credit, and other counsel people that may or may not be here in the audience tonight, I know Anthony Fiorello the Borough Attorney is here, it is very important that we do these things as part of our statutory obligation. Again, it is called present need and it's a housing and rehab program. The second are the jobs. As part of the Redevelopment Agreement and part of the Redevelopment Plan, we are going to insert a first hire provision of Wanaque Borough residents to the extent legally possible. Again, the Borough Attorney is here and the redeveloper has agreed to that, not in the context of site plan approval, but in context of redevelopment. It may be a challenge, but we are going to first recruit from Wanaque to the extent legally possible for these jobs. How many jobs? We threw out the number of about 60, but hopefully maybe 80/85. Maybe 60 is right given the state of the market and as Mr. Lipari said that market is a narrow market right now. Even though we have the big warehouses all up and down the Turnpike, this is not one of those; this is more of a unique situation.

The third and final is the amount of taxes, or payment in lieu of taxes. If the property is assessed around \$20,000,000, we would hope to get, and the rent we would hope to see, would generate approximately \$450,000 up to \$600,000 to start. We would then have escalators and then under the statute at least 80% of the regular taxes at some point would have to kick in. This is all subject to negotiation. If you add these three things up, it is an economic benefit. Back in the 1990s when the ordinance was first passed in the RD-2 Zone, remember this was envisioned to be to be a research development park with 50,000 square feet of warehouse in addition to retail, office and research. That's what the Underlying Zone for this 30 acres was and that would have created approximately, and again it depends on how the topography would have worked out, 750,000 square feet of building space. The Mayor can attest to this as well because he was involved over the past couple of decades. Here we have 271,000 square feet generating, let's just say hypothetically say, \$500,000 for our present need and housing rehab, 60 jobs that will hopefully be filled by Wanaque residents, maybe more, and somewhere in the neighborhood of \$450,000 to \$600,000 in equivalent property taxes and then increasing from there just as our home taxes. That's what we have to look forward to. On the other hand, we understand our Greenwood Avenue neighbors and that's why the buffer there, by the way, is 100'. We didn't use the 50' buffer around all of the yards, we actually extended it to the 100' through the redevelopment process because we were concerned about the neighbors. We also made sure that the first 50' was total woods and then we've added and enhanced that because of the neighbors feedback. We got excellent feedback, the tree planting, arborvitaes and some of the things that we've talked about and Mr. Lipari has talked about.

Whatever the Board does tonight rest assured that Mr. Cristaldi and my partner, Chelsea Gleis, will keep their feet to the fire. In terms of the redevelopment and the economics, we'll make sure that those provisions, again the development fee for affordable housing present needs/rehab, also the number of jobs and also the amount of taxes, will be inserted properly. As Mr. Lipari and his team and the redeveloper's team comes back for compliance and for disclosure, we'll make sure that they do so in good fashion and I'm sure they will. They've been nothing but cooperative since the ship was righted and we now have a working site plan. When I say the ship was righted, we needed to make sure we had a site plan that was in reasonable conformance.

One last point on the variance, or the deviation from the Redevelopment Plan, if you add that Lot B in that is being subdivided, the amount of impervious coverage falls to 51.6%. Just wanted to get this into the record. The 50% that's required, the 56% that's on the paper with the subdivided property would be 51.6%.

Chairman: One more thing, what about the pilot program. Can you explain that?

Mr. Benecke: The pilot program is the in lieu of tax and that would generate between \$450,000 and \$600,000 depending upon the end user.

Chairman: That's goes to the town, not the County, correct?

Mr. Benecke: 5% does go to the County. Currently, the taxes are \$18,000 on 28 acres about 25 minutes from the George Washington Bridge. We will be getting multiples of that and hopefully without little impact on the neighborhood as possible. We apologize in advance for the impact, but this impact was cemented 40 years ago when the RD-2 Zone ordinance was adopted.

Chairman: Thank you Mr. Benecke.

Member Strobel: Who is going to check the 60 Wanaque residents were hired or all the things that you were saying? Who is going to follow up on the ramifications if it is not followed through?

Planner Benecke: I just had this issue come up in a city in Hudson County and I actually offered to the Planning Board there that I would do it personally. Of course, we live here, my daughter lives here, we will make sure that I do that personally. Mr. Cristaldi will do the other issues with respect to all the site plan issues.

Chairman: Okay, thank you.

Councilman: That's an important question. I don't know if you can legally restrict only Wanaque residents for job opportunities. I think the financial implications are very positive. We are talking about job opportunities, we're talking about ratables, we're talking about the affordable housing implications and the impact on that in terms of the amount of money associated with that. I think all of those are extremely positive when you look at the situation. I just want to make sure that I'm clear some of the things that we talked about at the resident meeting we had and the prior planning meetings. I think the stormwater issue is important. If you are reducing the stormwater implications on the residents down to 3%, that is a very, very positive implication going forward. We talked about the wall itself and the screening of the wall. And what I understand is you are changing the types of plantings that are going to be on top of the wall so that it gives you a greater coverage in terms of residents below. You are also addressing the issues regarding screening, lighting and sound associated with it and also the traffic issues associated

coming up the left side and going on the inside and the important of putting up the railings and the protection areas so if a truck happens to go off the rails, that at least we are protecting the residents in that area and are protected from that going on. The stormwater certifications are extremely important as we look forward. I also think you are saying that, when we implement, if you implement, and I know you want to implement, that if there are any chances that need to be addressed in those particular items; lighting, sight, plantings, etc., that you're going to address those issues going forward, correct?

Attorney Lipari: That is correct.

Councilman: That's important because this is a situation where we are deciding yes or no to do this, and if we decide yes that we know, and we feel comfortable with, if something is not exactly how we thought it was going to be to protect our residents, that you are going to address those issues once the facility is in place and once it is operating. Am I correct on that? This is a critical issue.

Attorney Lipari: Yes, you are correct. Applicant has made a decision and a promise to the Board that they will revisit those items and they will address them if they become a problem.

Attorney Veltri: Let me piggyback on that because I want to be clear. You are asking for a Preliminary & Final and, when we say the word Final, I think some people are uneasy, so we want to be sure that we have an understanding. Obviously, the first thing that we addressed, I think at the very first hearing, was the Post Traffic Study. But the other thing I want to clear up is we don't know who the tenant is so one of the things we want to put on the record is, once you establish a specific tenant, we would like you to come back to the Board and tell us who the tenant is and tell us who the user is and how this site is going work. At that point, at that Board Meeting, if we need to modify the plan or add any conditions, we want the Board to be able to do that to make this a usable site. That's number one – a tenant contingency. On top of that, once you have the tenant and somebody's up there, the Post Traffic Study, which was mentioned in our Traffic Report, we would want that to be done and also presented to the Board. There are a number of conditions in the Engineer's Report, so normally those things are wrapped up before we vote on a Final, but if you are pressing for a Final tonight, one of the techniques that we could use is set a 90 day time limit from the date of any approval so that you come back to the Board and update us on all of the engineering, water, sewer, conditions and planning conditions that are embodied in the reports. It is unusual, but I want to be sure that the Applicant understands what we are looking for and if there is problem, let us put it on the record tonight.

Attorney Lipari: I appreciate all those things and, yes, we are seeking Final Approval for a lot a different reasons. One of which is we can't enter into any Redevelopment Agreement without Final Approval, which means we can't enter into a financial agreement, or pilot agreement without Final Approval. We can't apply for building permits and a lot of times we can't apply for financing or really market the property in order to get the answers that you are looking for without a Final Approval.

Attorney Veltri: Understood.

Attorney Lipari: That is what we are seeking. As far as the 90 days, I'd love to say that sounds great but I'd have to check with my Engineer Team on the 90 days to see if that's okay. We have to do the Resolution compliance. Our intent is to move forward as fast as

possible because time is money so the longer that we delay, the longer the project is delayed and who knows where the economy is going.

Attorney Veltri: When I say 90 days, we want you to reappear in 90 days and, if there is an issue or problem, then we can outline it, put it on the record and figure out when it can be accomplished. We don't want to give you such a long time frame that we're looking at this thing a year from now and none of us are really focused in on what is being said tonight.

Attorney Lipari: We certainly can come back for a status update and maybe you and I can figure out some terminology if we get the approval on how we can style that and what exactly what you are looking for. Obviously, if we have discussions with tenants and there some confidentiality until a contract is signed or a lease is signed, we have to be conscience of that.

Attorney Veltri: Bob, do you have any ideas on that because I know you have been involved in those post issues.

Planner Benecke: Let's take a look at the 90 days. The memorializing of the Resolution, if that's adopted, that is in May; 90 days after that is August which is typically a big vacation time, so we don't we just make it September.

Chairman: For one thing, there will be memorialization in May because we are not having a May meeting, so it would be the June meeting.

Planner Benecke: In September they have to return and give a status update and also address the conditions that Steve is going to put into the Resolution, including the letter that you may give, if the Board, of course, approves. You may disapprove this.

Attorney Veltri: Right, this is all hypothetical.

Attorney Lipari: I understand nailing down the details to the extent that they are necessary. Again, we are happy to come back and give a status update. There is no reason why we shouldn't. The plan, as you know, is to move full steam ahead. We have a great Engineering Team and they are pretty responsive and on top of things. If we are missing a few items, we'll let you know in September how much more time we need, or why we can't comply with certain items and how to adjust them.

Councilman: These are the items that we've been talking and I think they are critical items. From a financial business plan for the Borough, it is very, very positive; I believe it is. But for our residents, I want to make sure that all of the issues that impact them are covered as well. The things that we talked about it and that you addressed are very, very important and I like the fact that you have been working to solve those problems. That's what we are really talking about when look at 90 days or 120 days, whatever it happens to be, that if we see that there is an issue that is not being addressed, we figure out how to address it.

Attorney Lipari: Absolutely.

Chairman: The best situation in business is for a win/win situation, where both parties win. The best way to accomplish that is through communications and this is all we are looking for. Let us tell you what you are not doing right, and you come and tell us what you've got to change. I think if we continue to communicate throughout the project, it will be that win/win situation.

Attorney Veltri: When you come back, you will have to notice. We are not going to do anything without the public knowing exactly what is happening and when we are going to discuss it.

Attorney Lipari: That's fine. A gain, with the redevelopment process, if this is approved by this Board and we enter into a Redevelopment Agreement, the same assurances will have to most likely be provided. I haven't seen an agreement but all the Redevelopment Agreements I've been a part of has reporting requirements as well so we'll have to be in constant contact and, like you said, it is a partnership and the Applicant is looking forward to working with the township for this project.

Member Crilly: I just want a clarification on something because I'm looking at the map. From where the retaining wall starts, because I was looking at the diagrams before, to where it ends, just let me know the lots along Greenwood Avenue. The range of lot numbers or addresses.

Attorney Lipari: 92 Greenwood Avenue (Lot 1.01); 96 (Lot 2); 98 (Lot 3); 100 (Lot 4); 102 (Lot 6); 118 (Lot 10); 122 (Lot 11); 128 (Lot 13); 136 (Lot 14.04); and 138 (Lot 14).

Member Crilly: I've driven along there several times and I know the rock slope gradually goes up, so basically the structure between rock and wall on top from Greenwood Avenue will be along that length consistently 80' high, correct?

Attorney Lipari: The elevation from the top of the wall to Greenwood Avenue will be flat surface.

Member Crilly: A flat surface 80'?

Attorney Lipari: Yes, give or take.

Mayor Mahler: Won't some of that be the mountain?

Attorney Lipari: Yes, of course. I am just talking the top of the wall.

Member Crilly: Between rock and that wall, it's going to be 80' and 100' setback from the property.

Attorney Lipari: The difference in elevation between Greenwood Avenue and the top of the retaining wall is generally 80'.

Member Jordan: With the replanting, will you be using all native trees?

Planner Benecke: They have committed to using native trees, about 95%, but yes native plantings and trees.

Member Jordan: What about on the wall itself?

Planner Benecke: On the wall itself too they have committed to that as well.

Chairman: They have agreed to put in what the Greenwood Avenue neighbors wanted put in. Instead of the trees that they were going to plant, they agreed to put in arborvitae which is the request of the neighbors.

Member Jordan: Will they be native to North New Jersey?

Planner Benecke: Arborvitae are native to North New Jersey.

Member Jordan: You keep mentioning jobs, what will they pay?

Planner Benecke: We have to take one step at a time but they will be good jobs that the tenant will require. First you have a job fair, you advertise generally in Wanaque, and after first hire, at the end of the day you would have to open it up to the general public. We have to do it on a legal basis; we can't discriminate.

Member Jordan: Do you have any idea what they will pay?

Planner Benecke: No, but I assume \$50,000 to \$60,000 annually as a baseline.

Councilman: I would assume what is competitive in the marketplace at the time.

Planner Benecke: That's correct. Minimum wage is \$15 an hour.

Chairman: At this time, I am going to ask for a Motion to Open the Meeting to the Public and the let the Public come up and ask questions. You will be limited to two minutes. You can ask questions or state objections.

MOTION TO OPEN MEETING TO PUBLIC: made by Councilman Cortellessa, seconded by Mayor Mahler. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Slater, Crilly and Jordan

Chairman: Anyone wishing to come up, please come up to the microphone and state your name and address and you might have to spell your name.

Ellen Griffith – 34 Middle Road/Lake Iosco, Bloomingdale

Ms. Griffith: This address is at the end of Doty Road. I pay taxes to both Wanaque and Bloomingdale. Thank you for opening up this to the public and allowing me to speak. The one thing that we haven't heard tonight is regarding safety. Has the Planning Board reviewed anything regarding the safety in the community? For example, that is a high accident area, would you be open to doing a traffic accident study?

Chairman: That has been completed and done and if you were at the previous meetings, you would have been a witness to it.

MaryEllen McManus – 100 Greenwood Avenue, Haskell (Lot 4)

Mrs. McManus: I have a couple of issues. Is the sign going to be dark sky compliant and it will probably be seen by 132 to 160 Greenwood Avenue because it is going to be on the front of the building? Since the building is actually bigger than the Walmart, having a 40' sign how is that not going to be seen? Have they done a lighting survey or some kind of 3-D modeling to show that it wouldn't been seen from residents at Greenwood Avenue?

Chairman: I believe that was stated.

Mayor Mahler: If you can't see the building, you can't see the sign.

Chairman: The sign is going to be on the building.

Mrs. McManus: But it is going to transmit off of the building. I know they stated the wanted everybody to see it from I287, so if it is going to be that bright.

Chairman: I don't recall hearing that at all.

Attorney Lipari: That was not the testimony. The testimony was that building cannot be seen from Greenwood Avenue and we've provided numerous data and testimony to that. The sign is on the building so you can't see the sign.

Mrs. McManus: Can I use the map to show you?

Attorney Lipari: You can refer to my exhibit if you identify it properly please, just so the Board can understand it.

Mrs. McManus: I am looking at the architectural rendering. The sign is going to be here and they are not going to see it?

Chairman: No, they are not going to see it.

Attorney Lipari: Again, to reiterate, the testimony was that you are not going to be able to see the building. The sign is on the building.

Mrs. McManus: Who asked for the arborvitae? I don't remember there being some kind of general thing. Arborvitae will be eaten by deer and the oak was a better choice because you can actually get light filtering through it and arborvitae will block all light.

Mayor Mahler: There was a gentleman at the meeting.

Attorney Lipari: To both myself and Applicant that the consensus among the public that appeared at the hearing was that it would be alternative to plant the arborvitae and we agreed to do that.

Mayor Mahler: I agree to that.

Chairman: This developer is willing to put whatever you want there. As I said at the last meeting get together with your neighbors.

Mrs. McManus: But I wasn't part of that discussion and I was at the meeting. It was talked about.

Chairman: I'm going to ask you again to get together with your neighbors and decide what you want. The builder will put whatever you want there.

Mrs. McManus: According to the impervious surface, including the subdivided property that shouldn't count, the problem with flooding on Greenwood Avenue is down by the southern end. You've seen the place that has the sand bags in front of their house because they have flooding. If you are adding more impervious surface and maybe you're re-routing it to that wetlands area the way they set it up, great it is not going to go to my house but my neighbors are going to suffer, just saying.

Councilman: They talked about stormwater runoff and reducing it down to 3%, if I'm correct. It is a good question that needs to be addressed.

Chairman: There is going to be a major reduction.

Attorney Lipari: Yes, I will give you the numbers. I did the 3% in my math and again I'll give you the exact figures that were provided by your Engineers so that there is no confusion. The reduction of stormwater flow is 231,643 to 7,442.

Mrs. McManus: Is that along the wall?

Attorney Lipari: That is the impervious coverage.

Mrs. McManus: So that stops here?

Attorney Lipari: I'm not trying not to answer your question. Our testimony is concluded and I'm trying to provide you with what the testimony was.

Mrs. McManus: Is the east side driveway, the fire access, on the Traffic Study?

Chairman: That is inside the property. The flow of the traffic was discussed last month.

Mrs. McManus: The walls are not 100' from the property. They average about 52'.

Carol LaGreca – 32 Middle Road/Lake Iosco, Bloomingtondale

Ms. LaGreca: Was there any kind of air quality study? I am assuming these are diesel trucks. I know it is hard to know this because you don't have tenant, so I don't know how you decide on something you don't know, but I'm just wondering because if they are idling there are laws against idling and diesel and public health and safety.

Chairman: I believe the State of New Jersey has restrictions on diesel trucks idling.

Member Slater: There is a three minute diesel truck idling.

Ms. LaGreca: As far as the safety and the breaks, I know people that are CDL drivers that drive large trucks and the brakes go out in a second without warning.

Member Slater: That is not the case. I've been 40 years in the industry. That is not the case.

Ms. LaGreca: Was there an air quality study done?

Chairman: No, no required.

Ms. LaGreca: Not required but maybe needed. What is the green infrastructure? Are you putting in bio-swells, rain barrels?

Attorney Lipari: We provided extensive testimony from our Civil Site Engineer about that. I don't have the transcript of that testimony so I don't want to misquote anything at this time, but it was testified to at the hearings and I'm sorry if you missed it.

Ms. LaGreca: Is that somewhere I can see it or look it up? It is public?

Attorney Lipari: The transcript is absolutely public and you can order a transcript of the prior hearings.

Suzanne Becker – 23 Short Road/Lak Iosco, Bloomingdale

Ms. Becker: I just want to make some comments because the traffic study, which I only got yesterday. We didn't know about all this so we are a little bit late the game. There are some issues with the study. It was conducted during the pandemic when far fewer cars were on the road. Even the 2017 study could not have taken into account the additional traffic from Avalon Bay development. It had not been fully built or populated at that time. The traffic study could not take into account the additional traffic from Taco Bell; it has not been opened up yet. The traffic study could not take into account the additional traffic from Tilcon Road; it has not been built yet. The traffic study could not have taken into account the additional traffic from the Celtic Knot; it had not opened yet. On page 6 of the traffic study, according to trip generation table 2, it showed that weekday morning peak hour truck trips are going to be 3 entering and 2 leaving. Weekday evening peak hour there will be 4 entering and 4 leaving. That's had they did the traffic study during peak hours in the morning and in the evening. I don't know if you guys can commission a second traffic study because there are some very disingenuous – anyone who drives along those areas, even 3pm trying to get off Greenwood Avenue making a left turn, trying to get off 287 south a truck would have to go over two lanes to get under the bridge, make a left and I don't see how that a 70' truck, three of them, wouldn't stop traffic. This traffic study just seems very disingenuous to say that few trucks would be in it and not take into account all the other things. Also, it was during a pandemic and anyone who was on our roads the other night during the Tuesday night meeting it was said that the study showed that no infrastructure, rehabilitation for traffic would be necessary from a warehouse involving all these trucks and smaller trucks. It is not just trucks. I am hoping Passaic County, before they approve it, will do a second traffic study but I would hope that all of you would find out who paid for the study, who the people are who did the study because it is very disingenuous and it doesn't reflect everyone who drives that area both at high traffic time and other times. It needs infrastructure.

Sandy Lawson – 26 Haskell Avenue, Haskell

Mrs. Lawson: I would just ask that if you are going to vote tonight to give them preliminary approval and final approval contingent upon things. You would hold final approval until they have County approval, which they do not have yet and until they redo that traffic study because I think there are some questions that need to be answered that haven't been. So, I'm going to ask that if you are going to vote tonight to give approval that you withhold final approval.

Kim Thomas – 107 Greenwood Avenue, Haskell

Ms. Thomas: I've been participating in all the meetings that we've been able to have access to and my main concern right now, because it does appear that this will go through, I'm

not saying yes or no, but it appears that it will be that way, we did discuss hours of operation at Tuesday's meeting. This is critical for the residents that are near this property. Again, I used to live behind a Shop Rite and they restricted the hours. The town needs to have condition of approval to restrict hours of operations on weekends and overnight.

Chairman: I don't think that can be addressed now until a tenant comes forward. Any new tenant has to come before this Board and at that time we can discuss hours.

Ms. Thomas: My other concern is, and I don't recall seeing this in the project plan, I did reach out to the DEP to the Natural Lands Management about what kind of wildlife is on site. They did their study and their site came back with confirmed sightings of breeding areas for bald eagles, bobcats, which we already have seen.

Chairman: They will need DEP approval before they can start this project.

Ms. Thomas: I just want to put it on record that this is what is on that site.

Chairman: They have already been told, and they have told us, they will comply with the DEP. They will not get approval unless they get approve by the DEP and the County.

David Becker – 21 Short Road/Lake Iosco, Bloomington

Mr. Becker: I am hoping to get a little bit of clarification on an issue. I know that in 1998 the property was zoned RD-2 and a little over a year ago that zoning was either changed to permit a larger use of a warehouse instead of a conditional use. Is that accurate?

Planner Benecke: It wasn't a little bit over a year ago, but it was sometime back almost two years.

Mr. Becker: Did that rezoning?

Planner Benecke: It was not a rezoning; it was a Redevelopment Plan.

Mr. Becker: So, the zoning that it is in place, RD-2 structure, still stands?

Planner Benecke: It still stands and then there superseded by certain provisions.

Mr. Becker: Okay, is that true for the entire District?

Planner Benecke: No.

Mr. Becker: So, the other over 100 acres of land to the north and to the west of this are still developable?

Planner Benecke: Yes.

Mr. Becker: A condition of the RD-2 zoning states that there is to be a single entry off Union Avenue and that entry is to serve the entire district.

Planner Benecke: That's not necessarily what it says. It says a single road, sure, but not necessarily to serve the entire district.

Mr. Becker: That's exactly what it says.

Planner Benecke: No, it exactly says the entire park. That's what it says.

Mr. Becker: It said the entire district.

Planner Benecke: No, it says the entire park.

Mr. Becker: My question is regardless of the semantics of that.

Planner Benecke: It's not semantics; it is an important distinction.

Mr. Becker: We'll look it up and see, but the point is there is a lot more traffic, potential. Three times the size of the facility that is there now with all of the other uses that had been permitted for this site. Three times that amount on the remaining land that is there, if it is all developable. So, there is a lot more traffic to this district then one building of a certain square footage that they used to base this traffic study on. I find that a pretty major gap in

the study and in the plan and in the conformance with the zoning. That doesn't seem right to me. If you are supposed to be making a plan for the entire district, let's see the plan for the entire district. What could that be and how does that additionally impact the traffic. I'm with a lot of the other people who think that if you drive from 287 during peak hours, you really feel like that area is full. On days where there are storms, that is full; when there is bad weather, when there are accidents, when paving is going on

Attorney Lipari: Excuse me, if I could. I just don't know if this is relevant to our application.

Chairman: You are only supposed to address the Board on this application. After we are finished with this Applicant, you can come up and address the Planning Board on any Planning Board matter.

Mr. Becker: Except the zoning says that it is for the entire district.

Chairman: I have to listen to our experts.

Planner Benecke: The Redevelopment Plan doesn't provide that. If you were here last time, one of the preeminent Traffic Engineers in the Northeast and part of the country testified. He went through his testimony and his traffic report copiously. All of this "issues" were answered. We will be glad to hand you the Minutes from the meeting, you can go through it and if everyone continues to be as they have with great feedback, you can call Mr. Olivo. Again, he is one of the most preeminent traffic people in the entire Northeast. There are several others and he went through everything and you are talking about one site. We are not talking about the entire industrial park or the entire RD-2 Zone. If we were to extrapolate, there is no market for an extrapolation to this right now. This has been in place for 40 years this zone, or how many years it has been, and now you have a market that's changed and you have the site plan that they have worked on for two years and have received feedback on. I understand the traffic is important, and we are requiring them to return with a traffic analysis.

Attorney Veltri: I just want to state this for the record. Mr. Olivo not only testified at the last meeting, but he testified at the February meeting and he answered all the questions for the people from the public at those meetings. I know you probably weren't here, but we had hours of traffic testimony in this application.

Mr. Becker: I am privy to the traffic study and it is based on the square footage. For somebody who lives here and drives through that area all of the time, my only point is its fault during a lot of different conditions and, you know, adding three trucks an hour, I believe is disingenuous for the size of the facility, for 82 bays. I understand it may take a half hour to an hour to unload a tractor trailer manually, so if you need 82 bays and the rate you can turn them over it just seems like there is a mismatch in the numbers and the amount of traffic that is going to be generated. I, as a non-professional, disagree with the findings of that study.

Attorney Veltri: I think I understand our objection. I just want you to let you know a couple of things. We had the testimony that I just put on the record. In addition, this Board had their own Traffic Expert go out and write us a report. We are conditioning this, if approved, that they do a post-traffic study when we know who the tenant is so we can then readdress it that point if there is an issue. I don't want you to think that this Board has ignored the traffic piece. We have not. We have gone over it for hours. The County

Planning Board is also looking at the traffic. I don't want you to think that your objections are on deaf ears. Yes, it is a concern. We think we've addressed it as best we could based upon everything we've done up until tonight.

Mr. Becker: Thank you, I appreciate that. I would ask that you reexamine the zoning.

Chairman: Let me just say this. I've been sitting on this Board for almost 40 years. I have never had an application or an applicant come in here and agree to come back after an approval to give additional testimony. It is unheard of and I appreciate the applicant doing that. And which I said before, they are doing everything they possibly can to make us happy; to make the betterment of the Borough of Wanaque. That is the feeling that I have.

Mr. Becker: I appreciate your opinion, thank you.

Attorney Lipari: Could I make a clarification to the citations to the traffic are inaccurate as they were depicted by some of the members of the public and it's difficult for me to understand them sometimes so I believe there just might be some difficulty in trying to interpret the data that was in the reports. The number of trips in generation is not the testimony that was provided by our experts. The fact that the members of the public are stating that it's incorrect, it was incorrectly stated, but it wasn't incorrectly presented by our professionals.

Chairman: Thank you.

Kelly Amaniera – 26 Skyland Avenue, Haskell

Ms. Amaniera: I want echo concerns about pollution. Particularly, I did ask at the meeting earlier this week if there was an environmental study conducted. They said no because none was required. I am curious why the town didn't think one should be performed. Particularly with diesel trucks there are specific particulates that they have linked to lung cancer and to premature death. There is research done in California where they researched children living within 1/2 mile radius of warehouse there is a 71% likelihood that they have asthma. I already have asthma. I just purchased our home a few months before I even knew any of this was happening and I'm genuinely concerned about the air quality in our area. We already have days where there are air quality alerts and how does this impact the community that we live in.

Attorney Lipari: Just for clarification, we did provide an environmental impact statement but I believe the extent of what she wanted study was not part of that statement.

Chairman: I don't believe the State of New Jersey requires it.

Attorney Lipari: That is what we had indicated at the hearing.

Ms. Amaniera: I know it wasn't required but I still am very concerned about the impacts that this will have in our area. I don't know if it is possible if they are going to do traffic study post-op, can there be an air quality that is part of that. From what I was reading places did install air filtering systems.

Chairman: I don't see how that could possibly be done until the place is operational. How can we do an air quality study when there is nothing there.

Ms. Amaniera: What I am proposing is, if you are saying that you are going to these post studies, could something like that be included in the post study once there are operational to know what that's doing and if remediation needs to happen that at least there is a way to get to it.

Attorney Veltri: I think part of the inquiry is going to be, once they get a tenant, we are asking them to come back and present the tenant. Depending on who the tenant is and what they do, at that point we could address that. I'm not saying they will address it, because we don't know who the tenant is. But if that is a concern, if there are diesel trucks and its problem, then we certainly will consider what you are saying.

Tom Anglim – 26 Short Road/Lake Iosco, Bloomingdale

Mr. Anglim: I am listening to what you guys are saying and I'm listening to what the people are saying and all we are asking for is maybe something you can't provide, like you said, but I'm sure it has been done. This has to be a situation that has happened before and we have big sort of interruption into our natural environment but why can't we make an expectation this is what we are expecting if we go into this business venture, and this is the traffic we expect based on all the trucks coming in, and all the impact. It can be done; I'm sure it can be done. It has probably been done in community after community. I'm sitting here listening in the back and this is my first time here and I'm watching you guys talk and you are just repeating what you think is good for your community but all these people are the community too. What about a vote or a poll of the community? I know there are positive numbers in for you and that's all fine, but that's a cost of them doing business and they are going to benefit and you're going to have additional money in your budget. But what about a poll of the community? I think you are outnumbered by the people who don't want this and I don't know if that is representative of the community at large. You are the Board, you are supposed to represent Haskell, but what do the residents of Haskell want? I know you guys want more money for your budget or this or that, but the community is speaking and they don't think it is good for them. What do you have to say?

Councilman: I have something to say. We talked about the overall financial benefit to the community and let's put that aside; so, we think it is a financial benefit. I then raised the question as to what are the implications and what were the answers to all of the residents who were at multiple meetings including the meeting this last week regarding the issues like stormwater issues, the wall and will the wall be visible and what's the distance, sound issues, light issues, noise issues, truck issues, all of those questions we talked about tonight and we talked about previously and we tried to answer. We talked stormwater and stormwater has been reduced dramatically. We talked about safety in terms of trucks going off the wall. We have answers to that question as well. We talked about the issues regarding the arborvitaes or other trees to protect the sight line so people wouldn't be affected by that. We talked about all of those issues so we are not simply saying residents forget about it.

Mr. Anglim: What do the people want?

Councilman: I just told you what they asked for.

Mr. Anglim: You think the people of Haskell want this?

Chairman: The majority of the Borough of Wanaque do.

Mayor: I would like all the people who live in Lake Iosco to stand up. You all live in Bloomingdale. There is not one house in Haskell.

Patricia Rauth – 84 Doty Road, Haskell

Ms. Rauth: I would like all the Board Members who live in Haskell to stand up please. I have two things to read.

Chairman: This portion is to ask questions or state objections.

Ms. Rauth: This is my objection. This is an e-mail I had sent to the Mayor & Council over a year and a half ago. I would like it read into the record. “I have lived in Haskell for over 30 years. One of the reasons we moved here was because of the area’s peace and quiet, clean air and varied wildlife. Dense forest, not development is creates and nourishes these things. This peace and quiet, clear air and varied wildlife are treasures that need to be actively protected.” I would like the applicants to listen and not be on their phones please, thank you. “Not discarded in the interest of ratables. We should be acting as the stewards of the land that we are, not as opportunists in pursuit of the dollar. It is no secret that dense forest is becoming more rare every day. It value lies not in how many buildings we can build there, but in the species of raptors, waterfowl and song birds it houses. In the trees that give home to so much wildlife and literally give us the air that we breath in the water the flows above and below the forest floor and in the wonderful gift we have by our good fortune of living near these ecosystems.”

The second thing I would like to read is from the Conservation Director of the Bergen County Audubon Society and her name is Karen Knickeson. Bergen County Audubon Society also covers Passaic County as well. Ms. Rauth also read the four paragraph letter addressed to The Honorable Daniel Mahler, Mayor, Borough of Wanaque, dated February 22, 2021. A copy of the letter is in the meeting folder and the development application file.

Attorney Lipari: I didn’t want to interrupt her while she was speaking, but I would like to put on record my objection to the last statement it is here say and I don’t know exactly where the origin was.

Attorney Veltri: Your objection is noted and we can move forward.

Mayor: Mr. Chairman, I would like to make a statement. Almost 50% of the Borough of Wanaque is Open Space.

Timothy Herbert – 93 Doty Road, Haskell

Mr. Herbert: I’d like to read into the record, a brief part.

Attorney Lipari: Who wrote the letter?

Mr. Herbert: This is from Warren Hagstrom, former Mayor of Wanaque.

Attorney Lipari: I’m going to object as it is here say.

Mr. Herbert: We challenged development behind our house at 93 Doty Road which is extensive wetlands and designated borough pool. A developer wanted to build two, two-family homes on it. We fought them and this is Warren’s response. “I share your concern about the effect of a development that would have on the environment, your neighborhood and traffic on Doty Road. These issues will be fully addressed to the planning board should the developer receive approval from the State of New Jersey Department of Environmental Protection and file an application. Thank you for sharing your concerns with me. Very truly Warren Hagstrom Mayor June 11, 2001.”

Chairman: I remember that property.

Mr. Herbert: I urge you, if you are going to give these guys temporary approval, there are a lot of things that they are leaving uncrossed “t”s and undotted “i”s. Before you give them

temporary approval, take a drive up to Mountain Lakes Estates on the other side of town. Those corpses are still rotting in the sunshine and nothing has been done for 25 years about that.

Chairman: And who put those people through that?

Mr. Herbert: There are some people that are still around.

Chairman: No, a Judge did that.

Mr. Herbert: It is still your responsibility; you are supposed to be working for us. You are losing the fact that you are supposed to be serving your constituents.

Mayor: One of the things that Governor Christie did when he left office is he implemented a law that put restrictions on developers which weren't in effect in 1988 when that development was approved. Anybody after Christie left office now has a certain timeframe to build or they lose their approval. It was not in effect in 1988 that is one of the reasons that is still a problem.

Sheila Scollo – 35 Middle Road/Lake Iosco, Bloomingdale

Mrs. Scollo: I asking for clarification on the stormwater question. You've explained the mitigation for the flow. My question is more related to the pollutants that could potentially be in the stormwater runoff and how that will be focused on, looked at, evaluated should the project go forward?

Attorney Lipari: I could summarize the testimony that all of the stormwater runoff is treated either in the underground detention basins or naturally and through bio-detention and that was testified to by our Stormwater Engineer who is not with us tonight. What was the other part of your question?

Mrs. Scollo: My question is if the project were to go forward, how is that stormwater runoff tested so that the public knows that the engineering plans are doing what they are supposed to do.

Attorney Lipari: Again, this was all testified to by our Project Engineer, who unfortunately wasn't available tonight, but it is subject to DEP review.

Attorney Veltri: And approval and their Engineer is going to give us a certification saying that the stormwater plan is in accordance with the DEP regulations.

Attorney Lipari: It meets the stormwater quality, quantity and recharge standards that are currently in place and subject to DEP approval.

Mrs. Scollo: Okay, I'm trying to process all of this. I apologize that I've not been able to make the other meetings. I am a nurse and work late hours. Not all of us are available.

Attorney Veltri: This will be a condition if voted on for approval. It is going to be explicitly conditioned upon NJDEP approval for the stormwater plan.

Mrs. Scollo: I understand the planning part and the engineering part, my question is down stream, how is this evaluated, real time with the water itself? We are all finding surprises, I think it comes to my attention because we are doing evaluations of water quality in our wells in areas and we are finding surprises sometimes that are unexpected. How is that evaluated following if the project goes forward.

Chairman: Let's ask our Engineer.

Mrs. Scollo: How is the water tested? How is the storm runoff tested for pollutants that might be part of, for instance, diesel exhaust, that found their way into ground water? That kind of thing.

Engineer Cristaldi: We can have them test it. They can perform tests to verify.

Mrs. Scollo: I would think that would be wise to do to be sure that the plans put in place.

Engineer Cristaldi: Most of the calculations are based a reduction of the pollutants. So, there are suspended solids and what not that can get out into the runoff and the calculations are accepted as a satisfactory to carry out the reductions that you are looking for. Generally, they don't make you go out test it; they could.

Chairman: We could make that a stipulation when we talk to the tenants.

Mrs. Scollo: I think data points like that, and these are data points, I'm like a science woman, so these data points I think are very important.

Chairman: When the tenant appears before us, I think we can put a clause in there that they have to test the stormwater runoff and submit the findings.

Attorney Lipari: The Applicant is already going to be subject to annual testing through the DEP. Data collection on an annual basis will be provided to the Township which is then submitted to the DEP and the EPA for annual testing to make sure it meets all of the quality standards.

Mrs. Scollo: The water is?

Attorney Lipari: Correct.

Chairman: Yes. Thank you. Very good.

Debra Alton – 34 Middle Road/Lake Iosco, Bloomingdale

Ms. Alton: I just want to say you all have been working on this project for a very long time and you're balancing a lot competing interests and I appreciate the need for good jobs and development and don't, on principle, stand against that at all. People need to be able to raise families and make a living. I just, as a general reaction to the tone of this evening, it just seems like, as kind of a newcomer, a beginner mind, a fresh mind like a quick takeaway, it seems like their requesting a lot of exceptions. They are requesting final approval before a lot is done and in place. It seems like there are a lot of neighborhood concerns about the environment and about noise. About traffic, if any of you haven't recently been in that area, it is insane that you do not think there will not be a traffic problem. It is insane; it is not possible for a common sense person to not think that we already have a problem at those intersections. We have a problem now. I'll just close by saying from the traffic study, which I presume you paid for?

Attorney Lipari: To be clear, we paid for our own traffic study, not for the study that was prepared for the County review.

Ms. Alton: What does a traffic study cost, I'm just curious?

Chairman: I don't know. Mike, you have any idea?

Engineer Cristaldi: It really varies depending on the project. We don't typically do traffic studies.

Mr. Benecke: \$6,000 to \$30,000.

Chairman: Up to \$30,000.

Ms. Alton: I think we all got what we paid for, which is not a very good traffic study. I just want to clarify for the gentleman who gave you some stats, truck trips 3-2-5-4-4-8, those are the numbers he said and you said they were not correct. This is the traffic study so he was quoting from this study.

Bridgette DiFalco – Haskell Avenue, Haskell

Ms. DiFalco: Here is the thing. I am worried about the traffic; it's bad enough. Most days when I went to work, I would try to make a left, since it is only a one way from our house down to Union Avenue, and to make a left and then go onto I287 or to go south and then north you have to get over two lanes. Now you are going to add to that. The main thing is with this building that you are putting up, the warehouse, you are making all these conditions. Just like with us and the loading dock from the Stop & Shop, who monitors it afterwards. It sounds like you are going to build it now, and then we are going to check it later. But who is going to monitor all these things? You said they're not going to go on the east side around the building because we have to talk to the tenants. You know darn well, just like when we have an argument with Stop & Shop, oh it's not us. What do you mean it's not you? Well, it's the truck drivers. Yesterday, the guy blocked my driveway. I couldn't get in or out. You had a 63' trailer; he couldn't get in the loading dock. Why is he blocking my driveway? So, the same kind of things you are going to have people up there doing all this stuff, who is going to monitor it?

Chairman: I'll tell you who will monitor it and it'll point him out. Right there. The man in the second row (Construction Official).

Mrs. DiFalco: Really, you are going to be there 24/7?

Chairman: No.

Mrs. DiFalco: I mean the Stop & Shop is not supposed to be doing anything after 10pm and 3:30am they woke me up.

Chairman: If you call her (Board Secretary), with a complaint about something like that, she will dispatch him there to monitor it. That is how it works.

Mrs. DiFalco: All right, it better be that way. You promise everything and then you don't follow through. That's the problem.

Karen Peterson – 50 West Shore Drive/Lake Iosco, Bloomingtondale

Ms. Peterson: I have just two questions. I think I heard that it's a 24 hour operation. Is that correct?

Chairman: I don't think we know that yet. No, we don't know that.

Ms. Peterson: That's to be determined. Will the lights remain on for 24 hours?

Attorney Lipari: That's another unknown. But, again, it doesn't matter because of the way the lights are facing. There is no spillage onto the neighboring properties.

Ms. Peterson: Is there light above?

Attorney Lipari: No, they are dark sky compliant. We testified to that; our engineers have testified to that.

Chairman: At the last meeting they had a lighting expert and there should be no spill over.

Ms. Peterson: Also, is there any suggestion to widen the ramps on and off of I287 because trucks have gone over there coming off of I287 and I don't understand how these three wheelers or four wheelers are going to make that turn?

Member Slater: It is an Act of God to change that ramp. There is Federal Law is involved and it's designed that way.

Ms. Peterson: Do you think they are going to make that turn?

Member Slater: We have asked four or five different applications if they would add a second access lane to the southbound I287 and it hasn't happened and it won't happen. Call Senator Booker.

Chairman: Anyone else? I'll entertain a Motion to Close the Public Hearing.

MOTION TO CLOSE MEETING TO PUBLIC: made by Mayor Mahler, seconded by Member Slater. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Slater, Crilly and Jordan

Planner Benecke: Mr. Chairman, I'd like to put two or three things into the record. The first is this application has one deviation, I believe that Mr. Olivo testified for, under the Municipal Land Use Law, this deviation is also known as a variance as to the height of the retaining wall and that is what is called a more minor variance. Therefore, the property rights that run to this property go through the RD-2 Zone. This is a permitted use application. Given it is a permitted use application, I hate to say this, but traffic is not a reason for denial. Traffic is not a legal reason for denial of a principal or even a conditional use application. I am sorry, but it is not.

Chairman: We've know that for several years.

Planner Benecke: Finally, the retaining wall, no one testified that it was 100' from a property line or setback, but that the building is set back 100' and that the retaining wall is not part of the building structure. I just wanted to get that on record and we do have the Passaic County Planning Board as an approval condition. It is not a temporary approval, they are asking for preliminary and final, with conditions, which are standard.

Member Crilly: The retaining wall, 100' from a structure on Greenwood Avenue, is that correct?

Planner Benecke: No.

Member Crilly: Describe the 100'; I'm not understanding this.

Planner Benecke: Zoning requires from a property line to a building 100'; that is in compliance. The prior zoning required 50'.

Member Crilly: Okay. The property lines of the folks on Greenwood Avenue, how far is that retaining wall off their property line?

Planner Benecke: Whatever the hill is currently.

Member Crilly: That's what I'm not understanding. Is it from the back of their homes 100', what is the 100' I'm not understanding this?

Planner Benecke: From the property line to a building structure must be 100'.

Member Crilly: So, the 100' is the warehouse or the retaining wall.

Planner Benecke: The warehouse; that is the building structure.

Member Crilly: Thank you.

Member Slater: Regarding the "jake brake", the property is basically flat once you get up there?

Attorney Lipari: Correct.

Member Slater: There is no use for an engine breaking going up, there is no use for engine breaking once you are up on the top, the only use would be coming down and the easiest

way around that is inbound lanes can be marked “No Engine Breaking On Premise & No Unmuffled Vehicles” and that is the worst contender is the guys with no mufflers with jake brakes. One of the worst ones is Boots Bailey right here in town. It’s a real simple deal. You can’t deny it in slippery weather going down the hill, you have to let them have it.

Attorney Lipari: Your point is the best place for the signage would be on the way in?

Member Slater: I would make maybe one or two signs but I would have the tenants demand that their drivers requirement be no unmuffled vehicles and no engine breaking on site except in slippery conditions.

Attorney Lipari: Okay. I appreciate the expertise. Thank you.

Attorney Veltri: The only thing I want to put on the record again in reference to Mr. Benecke’s statement about traffic. There is, as you know Bob and you probably wrote it, the Redevelopment Plan specifically states conditions for traffic studies and concerns about traffic. I don’t want the Board to believe that we don’t have any concerns about traffic. We certainly do. The Redevelopment Plan has it specifically written in the report. It’s definitely an issue that we need to consider and we have considered and we’ve heard expert testimony. I don’t want you to think we just wasted hours of traffic study for nothing.

Planner Benecke: That’s not the point Steve. I think the point that I’m trying to make is that you can’t the property rights in a zoning allowance and turn it on its head by those things that can’t be adjudicated.

Attorney Veltri: I understand what you are saying. I just wanted to clarify that traffic is certainly a concern, an issue and something that we need to consider.

Attorney Lipari: Right, and I think for clarity and for purposes of the record maybe I can enter some of the cases into the record, which is *Dunkin Donuts of New Jersey v. Township of North Brunswick*, 193 N.J. Super. 513 active 1984, which states that “the authority to prohibit or limited uses generating traffic into already congested streets or streets with a high rate of accidents is an exercise of the zoning power that’s vested upon the municipal governing body”. Therefore, if it is a permitted use, as Mr. Benecke has said is you can’t take that into consideration. Every property owner has the right to use his property in accordance with the zoning and since we are a permitted use that is what we are doing. Another case was *The Tennis Club Associates v. The Planning Board*, 262 N.J. Super. 422 active 1993 which states that “a site plan cannot be denied due to existing traffic problems that had existed for years.”

Attorney Veltri: Right, but the Board and the County Board can impose conditions to solve the traffic problems.

Attorney Lipari: Absolutely correct and believe us the County is scrutinizing our plans.

Attorney Veltri: Understand. I just wanted it to be clear because I don’t want people in the public to walk out of here thinking that traffic is not an issue; it is.

Chairman: It is, but it is out of our control. We can put restrictions.

Attorney Veltri: On approval and denial they cannot try and stop it.

Chairman: Right, we can’t deny because of that.

Planner Benecke: We want to have it part of our control. We know about traffic signals, widening of lanes, studies to maybe meet our hours, and those kind of things. We want that.

Attorney Lipari: And we agreed to that.

Chairman: Even though we closed the public discussion, come up.

Janice – West Shore Drive/Lake Iosco, Bloomingdale

Janice: I would just like to know these people on Greenwood Avenue are going to have a wall behind their house. Am I correct in that understanding?

Chairman: No.

Janice: Is your company going to have access if they have to go through their property to build this wall?

Chairman: No.

Janice: How are you going to build the wall behind their property?

Attorney Lipari: It is a very complicated wall. I don't know the construction methods but we have plenty of space on our property to be able to do so and we've contacted with engineers and construction companies that specialize in this and it'll be done.

Janice: Will there be there be blasting done when you are building the warehouse?

Attorney Lipari: Yes.

Janice: And if there is any damage done to any of the property owners' home, are you going to make restitution?

Attorney Lipari: We have discussed this with the property owners and there are various levels of oversight that we will comply with.

Chairman: Blasting is all controlled by the State. Before they can blast, they have to go and inspect each home and look for cracks. I don't know the entire procedure, but I know it's State controlled, the blasting hours are controlled.

Janice: I am very concerned because I hear from people in Bloomingdale who the blasting is just outrageous.

Chairman: This will be a totally different type of blasting.

Chairman: Did you have something ma'am? This is the last one.

Kim Monk – 52 West Shore Drive/Lake Iosco, Bloomingdale

Ms. Monk: I think what everyone that is against this project is talking about quality of life and the moral implication of what the traffic, even though it's not legal, it is a moral obligation for all of you to think of our quality of life; the traffic as everybody has said. I think for me now that only four of you stood up that live in Haskell and you were telling us we couldn't speak even though we pay taxes here. How can you not live here and plan our lives for us? It is not moral.

Chairman: Gentlemen, time to vote. I'll entertain a Motion to Approve the Subdivision and the Site Plan and subject to what Attorney Veltri is going to put on the record.

MOTION TO APPROVE APPLICATION ZBA2022-04 – MINOR SUBDIVISION, PRELIMINARY & FINAL SITE PLAN APPROVAL WITH THE CONDITIONS OULTINED BY THE BOARD'S ATTORNEY: made by Member Slater, seconded by Member Crilly.

Attorney Veltri: I'm going to start but, obviously, when I'm done, anybody can add or subtract or amend.

First, I want to put some preliminaries on the record. The site is approximately 34.5 acres and located in the RD-2 Zone, which was amended by Ordinance 1-0-2021 on March 8, 2021 as per the 2021 Union Avenue Redevelopment Plan.

One Block is 400, Lots 11, 12 and 13; the other Block is 460, Lot 9.

This is a combination Application. Th Applicant is asking for a Preliminary & Final Site Plan Approval and a Minor Subdivision that splits the property into 2 Lots.

The Minor Subdivision will consist of Lot A, which would be the Warehouse Lot, is going to be 30.88 acres. Lot B, which is going to house an existing single-family home, is going to be 3.65 acres. There are some Variances that are going to be attended to the Minor Subdivision, but I want to do the Variances all together.

The Site Plan, which again they are asking for Preliminary & Final Site Plan. The project is proposing at 272,000 square foot building with 260,000 square feet being warehouse and 12,000 square feet being office space. The warehouse will provide 82 loading dock spaces for drive in docks, 37 trailer parking spaces and a total of 144 parking spaces. That is their proposal.

We have met on this Application and went through three (3) public hearings. Public hearings were on February 17, 2022, March 17, 2022 and tonight, April 21, 2022. We heard from a variety of witnesses, their Engineer, their Traffic Engineer, their Planner and Architect. We also considered a number of reports including reports from our own professionals, Mr. Cristaldi and Mr. Benecke. We had a traffic study as well from a Bryan Proska. We've looked at the Passaic County Planning Board reports and we considered them.

The Site Plan Approval is based upon a Site Plan drawn by Stonefield Engineering & Design dated December 22, 2021, Sheets C-1 through C-45; Architectural Plans drawn by KKS Architects December 21, 2021, Stormwater Management Plan, Traffic Study and an Environmental Study.

Applicant is asking for several Deviations from the Redevelopment Plan, Variances and a Waiver. I want to read them again into the record. I know they were put into the record before, but I want the Board to be sure they know what they are voting on.

The Variances for Lot B, which is the Residential Lot, they are asking for a minimum lot size variance. The minimum lot area in the RD-2 Zone is 28.5 acres, the proposed Lot A meets the requirement, however Lot B is undersized at 3.65 acres which includes an existing single-family home. The second Deviation/Variance is for maximum impervious coverage for Lot A, which is the Warehouse Lot. The maximum allowable impervious coverage for the RD-2 Zone is 50%. 56.2% is proposed for Lot A, but as Mr. Benecke

noted, when you combine the impervious coverage for Lot A and B, that percentage is 51.3%. The third Deviation/Variance is for off-street parking spaces. 144 spaces are proposed, where 576 are required. The fourth is a maximum sign height. The maximum allowable sign height is 16' where 40' is proposed. The final Variance is for maximum wall sign height. The maximum allowable wall sign height is 24" and 6' is proposed. There is a Design Waiver Request for maximum retaining wall height.

Those are the Variances/Deviations/Waivers.

You heard testimony from Mr. Olivo, the Applicant's Planner. The substance of his testimony was they are applying on both a Hardship Variance based upon topography and a C-2/Flexible C Variance. Their position is that they qualify for the Deviations and Variances. For the Flexible C, Mr. Olivo believed that there was no detriment to the surrounding areas and he noted several aspects of the Municipal Land Use Act that the Variances qualified for and those are the proposals for the Variances that the Board needs to consider.

There are a number of Conditions that were mentioned tonight and I just want to outline some of the ones that I picked up on.

1. Applicant represented, stipulated and agreed that the approval was contingent upon compliance with all the terms and conditions set forth in the 2021 Union Avenue Redevelopment Plan.

2. All of the stipulations and representations made tonight regarding all the conditions outlined by their Attorney concerning landscaping, screening, lighting, signage, curbing, future sound review, review and approval from outside agencies, including NJDEP, Stormwater Management approval, Certification from their Engineer regarding the fact that their Stormwater Management Plan would meet all DEP requirements, the DEP Wetlands approvals, all of those items we're relying on for the approval and they've also stipulated to amend their Site Plans accordingly.

3. Applicant will enter into a Redevelopment Agreement with the Borough of Wanaque.

4. We discussed and I think we outlined that the Applicant would have to re-appear in front of the Board for a variety of reasons. One of the reasons would be (a) when they secure a tenant they need to come back to the Board, notice the public so we can discuss the tenant, the type of use and whether any other conditions are going to be imposed; (b) second reason was outlined in the Traffic Study by our Expert indicating that after the approval, after they get a tenant, they after to do a post-occupancy Traffic Study and re-appear before the Board again with public notice to discuss that and the Board, at that point, could request any other conditions or improvements to abate any traffic items.

5. We discussed appearing in September of 2022 to review where they were with regard to all of the conditions imposed by our Experts, by our Planner, by our Engineer and also by the County of Passaic, and the DEP. So those will be all post approval appearances that we would expect the Applicant to abide by.

6. Again, I don't need to read them into the record, but we did get a report from our Engineer dated January 3, 2022. The Applicant has agreed to comply with all conditions set forth in that report and they do include specific conditions regarding water service and sewer service and stormwater approvals and compliance. There is also a report from Mr. Benecke's firm dated January 27, 2022.

7. The Applicant has agreed to comply with all the conditions outlined in that report.

We know that the Passaic County Planning Board is reviewing the Application. Any approval would be subject to and conditioned upon the Applicant complying with any conditions they impose.

8. Generally, it would be subject to any and all other necessary County, State or Local approvals again, including the County Planning Board, Hudson/Essex/Passaic Soil Erosion & Sediment Control.

9. We would expect them to comply with all blasting requirements from the State.

10. Also obtain Highland Approval, if it's necessary.

That's what I have in my checklist and, if anyone wants to add or subtract, feel free.

Planner Benecke: You need to add the upgrading to the sewer pump station. That's a cost item.

Attorney Veltri: I think that is in Mike's report.

Planner Benecke: I think that the various tests that were mentioned in terms of water quality standards and fire hydrant flow tests. The idling of the trucks and to make sure the trucks have mufflers. Also, we will have a designated enforcement mechanism in the Redevelopment Agreement to ensure enforcement for at least as long as we are here and involved with the project.

Engineer Cristaldi: And the Tree Contribution.

Attorney Veltri: In terms of the Amended Site Plan, you are going to give us some landscaping and then you did agree, I think, to the tree contribution.

Councilman: If I'm not mistaken, when we talk about the post Traffic Studies and when we get an occupant in there, it is each occupant that joins the warehouse. It is not a one-time occupant.

Attorney Veltri: Again, I throw it out there.

Planner Benecke: That's a good point. If there is more than one tenant occupant it would be for the entire building as each one occupies.

Councilman: It'll be done for each occupant that comes in; otherwise, we do it for one and then all of the sudden we have more occupants.

ROLL CALL FOR VOTE: Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel and Slater.

Voting No were Members Crilly and Jordan

Motion Carried – 7-Yes / 2 No

PUBLIC DISCUSSION: Anyone in the audience wishing to address the Planning Board on any Planning Board matter please step forward and state your name and address?
Let the record show no one came forward.

RESOLUTION: None

VOUCHERS: submitted by Steven J. Veltri, Esq. for attendance at the April 21, 2022 Meeting in the amount of \$400; Richard Alaimo Engineering for January 20, 2022 Meeting in the amount of \$300; Richard Alaimo Engineering for Wanaque Depo Application for January Engineering Services in the amount of \$5,602.50; Richard Alaimo Engineering for Wanaque Depo Application for February Engineering Services in the amount of \$7,777.50; Richard Alaimo Engineering for Huber Subdivision Application in the amount of \$717.50; Anthony Fiorello, Esq. for Wanaque Depo Application for February Services in the amount of \$2,173.92; and Anthony Fiorello, Esq. for Wanaque Depo Application for March Services in the amount of \$888.75.

MOTION TO APPROVE VOUCHERS: made by Mayor Mahler, seconded by Councilman Cortellessa. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Strobel, Slater, Crilly, Jordan and Pasquariello

MOTION TO ADJOURN AT 10:45 P.M.: Motion made by Member Slater, seconded by Member Strobel, and carried by a voice vote.

Jennifer A. Fiorito, Planning Board Secretary