

PLANNING BOARD
BOROUGH OF WANAQUE

July 20, 2017

REGULAR MEETING

Meeting called to order by Chairman Foulon with a salute to the flag at 8:03 P.M.

READING: Open Public Meeting Announcement

This is the Regular Meeting of the Wanaque Planning Board and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends and the Herald News on March 26, 2017 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk

ROLL CALL: Chairman Gilbert Foulon, Vice Chairman Joseph Graceffo, Councilman Dominick Cortellessa, Members Kevin Platt, Robert Dale Spear, Michael Ryan, David Slater and Mary Leonard

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

ABSENT: Mayor Daniel Mahler and Member John Powers

MINUTES: from the May 18, 2017 Meeting

MOTION TO APPROVE: made by Member Ryan, seconded by Member Platt. Voting yes were Members Platt, Ryan and Leonard. Chairman Foulon, Vice Chairman Graceffo, Councilman Cortellessa, Members Spear and Slater abstained.

COMMUNICATIONS/REPORTS: None

ENGINEER'S REPORT: No new applications; just tonight's applications

APPLICATION #PB2017-03 “MRAN Haskill, LLC” (Taco Bell)

**Property Address: 164 Greenwood Avenue (Block 460/Lot 24)
Application For Preliminary & Final Site Plan Approval
Authorized Agent: A. Michael Rubin, Esq.**

Councilman Cortellessa and Member Michael Ryan recused themselves from any involvement in this application. These Members sat in the audience during the entirety of the application hearing.

Board has a quorum.

APPLICANT’S EXHIBITS

A-1 Colorized Site Plan Layout Sheet 1 of 1 dated 7/20/17 and prepared by Dykstra Walker Design Group Containing 3 Updated Modifications

A-2 Taco Bell Pole Sign Specifications

Attorney Rubin stated that this is an application for a Taco Bell Restaurant. The property is at the intersection of Union Avenue and Greenwood Avenue. We have a number of witnesses to give you a full picture of what is happening and hope to happen on this site. My first witness will be Mittal Patel, one of the operators, will give you an overview of what is happening and why they are here.

Attorney Veltri stated, for the record, I have looked at the publication and the certified mailings. Everything is in order and we can proceed tonight.

Attorney Veltri swore in Mittal M. Patel. I am one of the owners of MRAN Haskill, LLC, and the applicant in this matter.

Attorney Rubin questioned the applicant if she was experienced in the ownership and operation of this type of restaurant in the past and advise the Board where some of your other locations are so they know you’re an experienced operator. Ms. Patel answered yes she owns 5 stores and this would be our 6th if it gets approved. Our locations are Matamoras, Pennsylvania; East Stroudsburg, Pennsylvania; Franklin, New Jersey; Warren, New Jersey; and Honesdale, Pennsylvania. Attorney Rubin commented so you are very experienced in this business. Ms. Patel answered correct.

Attorney Rubin asked Ms. Patel to advise the Board why this location. Why did Taco Bell come to this location and why is it a good location for you? Ms. Patel answered it is a highway location, there are other businesses around it, there is a college that attracts the location and the exit to the main highway is very close by.

Attorney Rubin so for all these reasons, you felt this was an appropriate location for a Taco Bell Restaurant in the Borough of Wanaque?

Ms. Patel answered correct.

Attorney Rubin questioned is it to be built and designed as other Taco Bells have been throughout the country?

Ms. Patel answered correct, yes. The Architect and Engineer will show what the plan will be.

Attorney Rubin stated that the plan is generally consistent with all others. It is generally a part of the franchise and so you will be part of the franchise for Taco Bell and obtain whatever goods and services and design from the main company. You are fairly beholden to what they want. You cannot go off on your own; this is really part of the franchise.

Ms. Patel answered correct.

Attorney Veltri swore in Kenneth Dykstra, Site Engineer.

I am a New Jersey Licensed Professional Engineer/Professional Planner and Land Surveyor. I am a principal in Dykstra Walker Design Group and I have over 30 years of experience in subdivision and site plan design.

Attorney Rubin questioned that Engineer Dykstra knows the plan that is before the Board and the plan was either designed by you or under your supervision?

Engineer Dykstra answered that is correct.

Attorney Rubin stated please go through the general parts of the plan and I see you do have something mounted. Is what is mounted the same as what the Board has except it is colorized?

Engineer Dykstra stated what is mounted is the Site Plan Exhibit with the date July 20, 2017 and it is the same plan that was submitted although we did make one modification based on Taco Bell's internal review so we had to make slight adjustments to the drive-thru lane and access to the dumpster area. Also, the County reported and they wanted their roadway widened a bit from center line 18' and the curb and sidewalk placed so I put that on the Exhibit also. Other than that, it is the identical plan the Board has.

Attorney Rubin stated since this is different, can we mark it as Exhibit A-1.

Engineer Dykstra handed out an 11x17 colorized sheet to the Board.

Chairman Foulon questioned if any of the changes require a variance and do they affect any of the variances applied for?

Engineer Dykstra answered no.

Vice Chairman Graceffo asked that the Engineer point on Exhibit A-1 where the changes are.

Engineer Dykstra explained, pointing to the area north of the building, the drive-thru lane and where the solid waste storage area is, that access aisle in that area was widened. The reason it was widened was because the drive-thru lane needs a clearance bar and a garbage truck won't fit under the clearance bar, so you have to be wide enough so the garbage truck can get passed the clearance bar and up to the solid waste area.

Vice Chairman Graceffo questioned so you are bringing the curb further to the property line on that north side?

Engineer Dykstra answered no. That stayed the same at 5'; we brought it closer to the building.

Attorney Veltri questioned, you are widening it from what to what?

Engineer Dykstra answered it was 15' before and now it is 22'. A total of 7' more wider in that area.

Vice Chairman Graceffo questioned you are reducing the grass area on the north side of the building?

Engineer Dykstra answered that is right.

Engineer Cristaldi questioned if it changed the radius of the bend because it was 18', what is it now?

Engineer Dykstra stated the radius is the same 18'.

Attorney Rubin questioned what are the other changes?

Engineer Dykstra stated we have a report from the County of Passaic dated June 23, 2017 and in that report they had a number of comments, but the two comments that required the revisions are comments 3 and 4: "(3) Provide 5' sidewalk with full-height curbs, 18' from the centerline, along the entire Union Avenue frontage. (4) Provide an ADA ramp at the northwest corner of Greenwood and Union, with return curbing along Greenwood Avenue." What we have done is shown the widened pavement and the curb 18' from the center line and the 5' sidewalk. In addition, there is going to be a handicap accessible ramp at the intersection.

Attorney Rubin questioned are there any other changes?

Engineer Dykstra answered no.

Vice Chairman Graceffo questioned there is no proposed sidewalk on the Greenwood Avenue side of the road?

Engineer Dykstra answered no.

The sidewalk ends at the corner of Greenwood and Union?

Engineer Dykstra answered that is right.

Attorney Rubin asked Engineer Dykstra to go through any other features of the site plan.

Engineer Dykstra stated the proposal is 2150 square foot, one story Taco Bell Restaurant with access from Greenwood Avenue and a drive-thru lane around the westerly side of the building and a parking lot between the building and Greenwood Avenue. Presently, we are showing 16 car stalls at 9x18. We may be changing the parking size to 10x20, which is the ordinance standard rather than requiring a variance. However, at that point, we are probably going to be down to the ordinance requirement of our 14 spaces, which is adequate for this operation. Much of the Taco Bell business is actually through the drive-thru.

Attorney Rubin stated, at the end of the day in making the parking stalls larger to accommodate the standards of the ordinance, we would be at 14, which is the absolute minimum for this size site.

Engineer Dykstra stated either 14 or potentially 15. Yes, we will still conform to the ordinance.

Attorney Rubin stated so there will not be an additional variance for parking. We will comply.

Engineer Dykstra concurred.

Vice Chairman Graceffo questioned you are planning on 14 spaces and the stall sizes are 10x20?

Attorney Rubin stated we are going to increase it from 9x18 to 10x20.

Engineer Dykstra stated the building, parking lot and everything else will also shift 4' to the west so we can have 10x20 spaces versus 9x18.

Engineer Dykstra continued with our rear yard setback will still be conforming. I think it is 44' proposed and now will be 42'

Engineer Cristaldi questioned if this plan indicate 10x20.

Attorney Rubin stated no, it does not. This is something that just came up. After conference with our clients and all of our professionals that we would want to adhere to the town standard.

Vice Chairman Graceffo questioned you are moving the building westerly and that brings the back of the building how many feet from the parking lot?

Engineer Dykstra answered currently it is 46' and it will be 42'.

Engineer Cristaldi commented that 9x18 is pretty much what they use in most places today.

Vice Chairman Graceffo stated the problem is they are not satisfactory. We have the problem at Stop & Shop and they should be 10x20 throughout the town.

Member Slater stated the 9x18 came from Jersey Transit. They feel that you park a car at a bus or train lot; they are not going to get in and out of the car but once.

Chairman Foulon stated they agreed to comply with the town ordinance.

Attorney Rubin stated the next bulk variance that we are asking for is parking setback of 10' required from a rear or side property line and 5' is proposed. Are there any changes to that variance request?

Engineer Dykstra stated no, that will stay the same. At the northerly property we have 5'.

Attorney Rubin questioned is there any way to avoid that variance?

Engineer Dykstra stated no. Due to the site configuration, we just wouldn't be able to accommodate that with this project.

Attorney Rubin stated the next variance that is request is parking setback of 10' required from a right-of-way line and 1.1' is proposed. Is there any change to that proposal?

Engineer Dykstra answered no. That is the same. The 1.1' is to the right-of-way line of Union Avenue.

Attorney Rubin commented the 1.1' even though it sounds like a tight dimension that is not really to the paved way.

Engineer Dykstra stated no, it is not to the paved way. That is correct. There is a distance and now that we are widening Union quite a bit there so now we will end up with about 2' between the new sidewalk that is going to be built and the curb line for the drive-thru.

Attorney Rubin commented the last variance would be handled by the architect as to the letters on the signage.

Attorney Rubin asked that the Engineer discuss drainage because we have some neighbors here this evening who are very concerned about stormwater management.

Engineer Dykstra stated the drainage that is designed for this project involves an infiltration system underneath the parking lot. In May, we went out and, with an excavator, actually dug at least three test pits down to more than 10'. Franklin, the soils were terrific containing sand and no high water table. No water encountered, we had the highest permeability you can get so basically it is an underground infiltration system and it has an overflow to the drainage system on Greenwood Avenue, which is just an overflow for the situations where you have a larger storm event and the infiltration system can't handle it. In addition, because we are putting pavement areas into the ground, we have to pretreat that stormwater so that it is clean. There is a relatively sophisticated pretreatment water quality unit before it goes into the infiltration system.

Chairman Foulon stated the County wants you to eliminate the proposed overflow.

Engineer Dykstra stated I just think they didn't want it going into their right-of-way so we are going to have to connect to the other manhole on Greenwood Avenue right in front of the site.

Attorney Rubin questioned if there were any other issues as to site planning that wouldn't be part of the architectural or traffic engineering?

Engineer Dykstra stated no. Those are the main engineering points of the project.

Chairman Foulon questioned if you were going to have barriers/bollards on the parking spaces facing the store?

Engineer Dykstra stated no, we have a 6" curb.

Chairman Foulon stated we are also going to want bollards so that a person cannot accidentally step on the gas instead of the brake and go into your store.

Engineer Dykstra stated okay, very good.

Member Slater stated what I call the western side of the property has some steep slope area to it and you seem to encroach upon it.

Engineer Dykstra stated about 2/3 of the lot is quite flat and then it goes relatively steep once you hit the westerly side of the property and that is basically a rock out crop area.

Member Slater questioned if it is in need of a real stabilization or any type of retaining wall in that area?

Engineer Dykstra answered we believe that, because it is rock, once we remove the rock we are going to stabilize that rock face, either that, or we will need a wall.

Attorney Rubin questioned, at the present time with this plan, are we within the ordinance requirements as to steep slopes?

Engineer Dykstra answered yes, we are.

Attorney Rubin stated so we haven't violated any of the ordinances as to the steep slope requirement and, in the construction of the site, if we find that things change on site, we can readily do this without any problem if you require a retaining wall of some kind.

Engineer Dykstra stated it is either going to be basically going to be a rock face retaining wall or, if that is unstable, we will build a man-made retaining wall in front of it. Mainly,

when the rock gets removed it is probably going to be a stable face. If not, then we build the wall.

Member Slater just wanted to make sure this was addressed.

Attorney Rubin questioned you don't believe blasting will be required?

Engineer Dykstra answered I don't believe so. We were hoping to do it with your typical jack hammering and drilling.

Engineer Cristaldi stated we had that same situation on one of the developments where they exposed the rock, they thought the rock would be stable, but it wasn't, then they had to put up a wall. Do you have any idea what kind of wall you would use if there was a problem there? Are you going to have someone evaluate the wall after you expose it to make sure that it is stable?

Engineer Dykstra answered we could do that. It will probably be some type of a segmental retaining wall.

Engineer Cristaldi stated like the one they used there was one of those larger blocks.

Engineer Dykstra stated they might have done the redi-rock, the large blocks. It is possible it could be that or your typical small segmental wall depending what works best for the situation.

Engineer Cristaldi questioned you wouldn't have much room for geo-grids?

Engineer Dykstra answered no. When you have exposed rock, you don't want a geo-grid. That is sometimes the reason you use the larger blocks because they can go higher without geo-grid.

Engineer Cristaldi questioned you are going to have someone evaluate the wall/rock face when it is exposed?

Engineer Dykstra answered yes, absolutely.

Engineer Cristaldi continued if need be you will provide some kind of calculations for review and approval by the engineer?

Attorney Rubin questioned do you have the 4' rule here as other towns do that if you go above 4' needs engineering approval?

Engineer Cristaldi answered yes, above 4', and you will provide a submittal designed by an engineer.

Engineer Dykstra stated, if a retaining wall is needed, we will provide the full engineered design for your review and approval, along with any inspections and certifications that are needed.

Engineer Cristaldi questioned how does a garbage truck maneuver into that spot? Does he have to pick in from Greenwood?

Attorney Rubin answered I believe our Traffic Engineer could probably testify to that.

Engineer Cristaldi stated the Water Department sent a memo out that the water line in the street is actually 6" main.

Attorney Rubin stated we just heard that tonight.

Engineer Dykstra stated we did see the memo and 6" is fine for us. I think we only have a 1-1/2 service.

Engineer Cristaldi stated you will still have to get their approval. They may want you to do some pressure and flow tests for an analysis.

Engineer Dykstra stated whatever is needed, but I understand this building does not need a sprinkler system, just portable water with a 1-1/2" water supply.

Engineer Cristaldi stated it is still going to be subject to the approval of the Water Department. You are saying 6", but if they have a problem with that and it has to go to 8", then you will have to address it.

Engineer Dykstra stated right, of course.

Vice Chairman Graceffo has a question regarding the fencing on the northern side. You are proposing a fence of 6', am I correct with that? ?

Engineer Dykstra stated that is right.

Vice Chairman Graceffo questioned if it is going on the north side and also the western side?

Engineer Dykstra answered no. We didn't envision a fence on the western side. That is basically an undeveloped piece of property and we will be retaining some vegetation and be substantially below with the development.

Vice Chairman Graceffo questioned the fence would then be elevated as it goes towards the back?

Engineer Dykstra answered yes. It is going to have to follow the grade.

Vice Chairman Graceffo questioned what are you planning in terms of the material to be used for that fence?

Engineer Dykstra answered I think we called it a 6' solid fence, most likely pvc/vinyl.

Chairman Foulon questioned what about lighting?

Engineer Dykstra answered we have 7 poles proposed 15' high around the site. They are cutoff fixtures so that the light is downward and we are avoiding spill over onto the neighboring properties.

Engineer Cristaldi questioned what kind of light fixtures are they: LEDs?

Engineer Dykstra answered believes they are LED and 135 watt. We put a note in there that the applicant, subject to your review, could switch for something equivalent.

Engineer Cristaldi stated probably the LED's are good though, they are usually pretty good with directing the light down with not as much scatter.

Engineer Dykstra stated we will make sure they are LEDs. Typically we only propose LEDs these days on most of our plans.

Attorney Veltri swore in Paul V. Ashworth, Architect

I am a licensed Architect in New Jersey and surrounding states and I have been practicing this type of architect for over 25 years.

Attorney Rubin questioned you are familiar with the plan that Taco Bell wants on this site. Architect Ashworth stated yes I am.

Attorney Rubin questioned you either helped design this or designed under your supervision and the plan that the Board has is what is being proposed?

Architect Ashworth answered correct.

Architect Ashworth confirmed what Engineer Dykstra and Ms. Patel had said that yes, this is a prototypical Taco Bell building. There really isn't any variant from their exact wishes.

Overall, the building is just under 2100 square feet and the building size is approximately 27x70'. The majority of the building is effice. The front face, so the fact to Union Avenue and the corner towards Greenwood Avenue has a kind of a rustic look metal panel with horizontal teeth bent. Everything is shown on the A-2 drawings.

Attorney Rubin commented the variance request on the signage says Union Avenue sign letter height is proposed as 72", where a maximum of 14" is permitted. Can you talk to us about the lettering on the signage?

Architect Ashworth testified that the horizontal Taco Bell words go on Greenwood Avenue and they are 14" tall. They are proposed exactly on Union Avenue, but they are just stacked vertically so this is where the variance is being requested. On top of that is the Taco Bell purple bell, so that is where you get to the 72" in height. The same 14" lettering. It was also in the engineer's report, if you look at the 75% allowed of the face and the width of the building times the height it is "x" number of feet allowed. 42 square feet allowed and our proposal is only 27.7 square feet.

Attorney Rubin questioned if there were any other bulk variances on your end?

Architect Ashworth answered no.

Attorney Rubin commented that is the only thing as to the letter height because of the bell and such.

Architect Ashworth stated how the actual signage is stacked, yes.

Member Slater stated I didn't see anything on a pole sign.

Architect Ashworth stated the pole sign is actually under the civil plans, but I can probably speak about it if you have any questions.

Member Slater stated I missed it looking over the drawings and that is why I am asking about it.

Architect Ashworth was able to locate a printout of the Taco Bell Pole Sign Specifications since it wasn't submitted in the package.

Attorney Rubin stated since it wasn't in the package, we should mark this as Exhibit A-2 in evidence so the Board has exactly what is being proposed for this site.

Vice Chairman Graceffo questioned this is going to be located exactly where on the plot plan?

Architect Ashworth, if you look at your Exhibit A-1, it is near the Greenwood and Union Avenue intersection, behind the sidewalk and 10' behind the right-of-way as required.

Vice Chairman Graceffo questioned the total height of this sign?

Architect Ashworth answered 20'.

Attorney Rubin questioned is that in accord with the ordinance that governs free-standing signs?

Architect Ashworth answered yes.

Attorney Rubin asked if the sign could be described.

Architect Ashworth stated it is a standard steel pole with a lexan face with the imprinted bell and Taco Bell.

Vice Chairman Graceffo questioned you have no planned outside sitting, is that correct?

Architect Ashworth answered correct.

Member Spear questioned there is an entrance and exit sign also?

Architect Ashworth answered yes and they are with individual emergency lights over each door that shade out to the sidewalk.

Member Spear stated I am talking about the parking lot meets the road?

Architect Ashworth stated that is a question for Ken. Is there exit and entry signs?

Engineer Dykstra answered we have a standard Stop sign. No, I don't think we do; we show those white finding signs on there because it is pretty obvious you can see Taco Bell.

Member Spear is concerned someone will see Taco Bell and think I can turn into Union.

Engineer Dykstra stated we have the sign on the corner.

Attorney Rubin commented that the free-standing sign will be built and designed just as on Exhibit A-2 in evidence this evening.

(Board Secretary passed out copies of Exhibit A-2 to all Board Members)

Attorney Veltri swore in Charles Olivo, Traffic Engineer

I am a principal with Stonefield Engineering & Design located at 92 Park Avenue, Rutherford, New Jersey. I have a Bachelor of Science in the field of Civil Engineering from the University of Notre Dame. I am a Licensed Professional Engineer in the State of New Jersey. I hold licenses throughout the East Coast from Maine to Florida where I have been involved in the preparation of over 100 traffic impact studies for various types of retail uses, many similar to the drive-up restaurant that is being proposed this evening. I have been qualified before over 90 municipalities in the State of New Jersey. Served as a consultant to the NJ Department of Transportation and also various municipalities in the field of traffic engineering.

Attorney Rubin stated you have prepared a traffic impact study for this application, have you not?

Traffic Engineer Olivo (T.E. Olivo) answered that is correct.

Attorney Rubin stated please take us through the important parts of the traffic considerations of this application.

T.E. Olivo testified that he prepared a traffic impact study and submitted that to the Board for review. I'm sure the Board is very familiar with the intersection of Union Avenue and Greenwood Avenue with Union Avenue being under the jurisdiction of the County and Greenwood Avenue being under Borough jurisdiction.

What is being proposed as part of this project is an access point only on Greenwood Avenue. There is no access being proposed to and from Union Avenue. The intersection is a public intersection essentially a "T" but creating a fourth leg of the intersection to the south is the Burger King on the signalized driveway. That operates under stop control as does Greenwood Avenue. As you are coming out of Greenwood in a southerly you can either make a left or right turn onto Union Avenue.

What we have done with the proposed redevelopment of this site is we have located a driveway on Greenwood Avenue to the northerly extent of the property as close to the property line as we can get to create adequate spacing between the public intersection and

the driveway rotation which is a typically preferred type of layout from access management perspective.

We conducted counts during the existing condition at this intersection during the peak hours. On a weekday from 7am to 9am and from 4pm to 7pm; and on Saturday from 11am to 2pm. Looking at the existing condition we then fast forward to a no build condition which involves adding traffic to the roadway network which will part of future growth in the area, (population growth; vehicle traffic growth) to create a future condition without this subject property redeveloped in the nature in which you see here, which would be a Taco Bell Restaurant with drive-thru facility. We then look at a build condition. We reviewed a build condition which would be a future condition with the subject site redeveloped in the fashion that we are presenting to the Board this evening. We take the traffic associated with the Taco Bell Restaurant. The majority of that traffic during peak hours is already on the roadway system today. Where you typically find with restaurants of this nature, and other types of retail land uses of this nature, is that traffic coming to and from the site during peak conditions is already traveling on the County roadway system and the Borough roadway system today, and it is simply here to draw from that existing traffic volume. Looking at the trip generation or the proposed vehicles in and out of the site, we weave that through the network and the intersection of Union and Greenwood and evaluate whether or not there is impacts to the intersection as a result of this added traffic growth. All of those results are within the traffic impact study and, what we have found, is that levels of service, the levels with which traffic progressed through this intersection, would not change as a result of the subject site being redeveloped as a Taco Bell Restaurant. If you look at the no build condition, and the build condition, they operate with similar levels of service during those conditions.

In addition to that, we have reviewed the drive-thru facility and just quickly going through the access management of the site you have a full movement driveway located to the northerly extent. You have the ability to park in the stalls if you either want to dine-in or take food out. You also have the ability to then travel to the west and into the drive-thru area. The menu board is approximately five to six vehicles away from where you actually pick up. What studies have shown for this type of facility is that during peak conditions where you have vehicles queuing and stacking, it takes you about 55 seconds to move up one spot in line. From the time of the menu board to the pick-up is somewhere on the order of 3-4 minutes. These facilities are built on efficiency of the operations inside the restaurant itself. The majority of traffic being processed by a site such as this, particularly during peak hours when motorists are traveling to and from a destination, that type of efficiency is what you'll see with this drive-thru operation located around the rear of the building so you are moving vehicles through the site in a very effective manner. If you are exiting the drive-thru, you are then come up through the two-way circulation aisle back out to Greenwood and then you come to the intersection for Union and Greenwood Avenues. From a parking perspective, you heard the testimony of the Site Engineer and we are going to modify the parking stalls to be slightly wider and longer as a result of looking at the site and attempting to optimize the ability for vehicles to turn over quickly, which we would expect to have here, that gives us a little bit more elbow room in terms of maneuvering a vehicle and we would meet the parking requirement, at the least the 14, as a result of those to be redesigned.

From a traffic perspective, the driveway location has been sighted in such a way to create safe and effective movements into and out of the site with good spacing from the public intersection and the parking would be adequate to accommodate the operation.

Attorney Rubin stated, one of the Board Members had asking during the application process regarding garbage trucks and refuse trucks.

T.E. Olivo commented generally speaking the garbage trucks come before the hours of operation of the site and before any of those conditions where you have parked vehicles and activity. You will effectively have is a garbage truck pulling in, front loading and the backing up back out onto Greenwood Avenue and out of the site. About two times a week.

Chairman Foulon questioned what are your hours of operation?

T.E. Olivo answered my understanding the hours of operation for this facility would be from 7am to 12pm (midnight).

Chairman Foulon questioned what are your peak business hours?

T.E. Olivo answered my understanding is that generally speaking lunch and dinner are the peak hours of this type of operation.

Chairman Foulon questioned how many cars am I going to have going in and out between the hours of 11am and 2pm?

T.E. Olivo answered during that midday period you will see somewhere, and this is summarized in the trip generation study, on a Saturday, which is considered to be the highest peak, about 65 going in and 65 coming out during peak hours.

Chairman Foulon questioned what about from 6pm to 10pm?

T.E. Olivo answered about 36 going in and 34 leaving during the evening peak hours.

Member Slater stated you are saying your lunch business is about twice what your dinner business is?

T.E. Olivo answered when we look to the Institute of Transportation Engineers, and that can be a little bit different than the actual operator and user information, but what we find is that the manual, which is used by County, Dept. of Transportation, and Municipalities I have appeared before, those are generally conservative numbers for those times periods that we have spoken about, yes.

Member Spear questioned what about your delivery of food and supplies?

T.E. Olivo answered about twice a week via tractor trailer delivery and the same pattern as I just mentioned with the garbage truck. They will pull in, unload and then leave the site during the off peak hours of operation.

Vice Chairman Graceffo questioned so in both conditions, for the garbage truck and for trailer deliveries, none of those vehicles can actually circulate the building?

T.E. Olivo stated that is correct.

Vice Chairman Graceffo stated so they have to pull in and back out.

T.E. Olivo stated that is right. You do see that with some of these smaller prototypical fast food restaurant users. They can fit the operation on smaller sites. You have such infrequent operations when it comes to a tractor trailer being on the site because they are coming twice in a matter of a week, you are not designing the entire site to facilitate that

tractor trailer. You don't have tractor trailers constantly moving through the site. So that type of design is not atypical.

Vice Chairman Graceffo questioned will those trailers be able to make that left-turn off of Greenwood Avenue without significant problems? You said that roadway will be widened, correct?

T.E. Olivo answered Union Avenue would be widened.

Vice Chairman Graceffo stated I am talking about a trailer coming off of Union making a right turn into Greenwood and then a left turn into the establishment? That entrance and exit has been enlarged?

T.E. Olivo stated I not aware of any widening of Greenwood.

Vice Chairman Graceffo questioned what is the present width of the opening to the entrance? The actual size of the opening of the driveway in and out.

T.E. Olivo stated the driveway is about 25' wide.

Vice Chairman Graceffo questioned that 25' would then go all the way back with the slight curve?

T.E. Olivo answered yes, into that dumpster area.

Vice Chairman Graceffo, now backing out, obviously a trailer truck, in most cases, will be coming off of Rt. 287 into the establishment. He would be backing out into Greenwood Avenue, how is that going to operate in terms of the width of that road backing into Greenwood Avenue?

T.E. Olivo answered Greenwood Avenue and that area is just under 30' wide.

Vice Chairman Graceffo questioned how would a trailer that is 53' manage that?

T.E. Olivo answered the trailer itself is somewhere on the order of 8-9' wide. The length obviously is going to control its ability to articulate and back out of the site.

Vice Chairman Graceffo stated my point is has the engineering been determined that it is going to allow the trailer entrance to get it out. You are pulling in and backing out and backing out you have a big swing there onto Greenwood Avenue. Is it legitimately practical or is it capable to actually be accomplished?

T.E. Olivo stated we can take a look with a truck turning template provided to the Board's Engineer for review.

Vice Chairman Graceffo believes that should be done.

Chairman Foulon stated because you have cars parked on Greenwood Avenue.

Member Platt stated they park on both sides and there is not much room.

Vice Chairman Graceffo questioned all these deliveries are always trailers?

Attorney Rubin answered yes. We asked that question early on and that is the way Taco Bell delivers their supplies. We can't do it any other way, but it is twice a week. It is not any more frequent than that.

Vice Chairman Graceffo commented I have no problem with the fact of the trailer deliveries. It is just a concern that whether or not there is going to be actual physical structure available for the tractor trailer to back out. You have to prove that to me, and right now the engineering doesn't prove that to us. Is it going to be going over curbing and into people's front yards when backing up which isn't acceptable.

Attorney Rubin stated that would not be and we agree with that. You can't go on someone else's property.

T.E. Olivo stated I am confident we can work with Engineer Cristaldi to show him a template that would be sufficient here. That would allow for a vehicle to be able to make.

Engineer Cristaldi stated once you pull a truck in, even if you are able to turn it into that driveway, then they can't do any business because the truck is going to block any other vehicles from coming in or out.

Vice Chairman Graceffo stated they are saying the trailer deliveries are usually off hours. Engineer Cristaldi questioned off hours meaning what? Not peak hours or when the store is closed?

Chairman Foulon questioned before 7am or after 11pm?

T.E. Olivo stated it would be before 7am.

Engineer Dykstra commented your ordinance only allows a 30' curb opening for a driveway so we would make it a wider curb opening to accommodate the tractor trailer movement and I just want to present that now. We are going to lose a parking space anyway, but that gives us the ability to widen that driveway to allow that truck to have easier maneuvering.

Vice Chairman Graceffo questioned you are saying from the 25' that is there now, it would be enlarged to 30'?

Engineer Dykstra answered probably 30'.

Vice Chairman Graceffo stated I think that should be part of the plan along with the actual template showing the egress and ingress of the trailer.

Attorney Rubin stated we could do that.

T.E. Olivo stated again the reason that these deliveries occur when they do is to that we are not blocking people's ability to get to the drive-thru.

Vice Chairman Graceffo stated that is not my concern.

Chairman Dunning stated we want to see turning radius templates.

Member Slater stated you are looking at a typical rig that comes in from McLean, or one of those providers, 53 x 108" trailer with a long nose conventional tractor bumper to back of cab probably close to 12'. It is not going to make that turn. It is going to have to go up Greenwood Avenue and try and back in along the east side of the building where your entrance is. There is no entrance to the storage area in the back and he couldn't get under your clearance bar because he is 13.6 high. What you are saying is, yes it is and yes it is, but it isn't. I have an A License and have driven hundreds of thousands of miles over the road and I know what I am talking about. It isn't going to happen.

T.E. Olivo stated we will have to provide a plan and work with the Board's Engineer.

Engineer Cristaldi stated that sometimes the trucks will pull up to the street and that is where they will stop.

Chairman Foulon agreed, but I think that should be on Union Avenue and not on Greenwood Avenue.

Engineer Cristaldi questioned did the County ask anything about the deliveries?

Attorney Rubin stated no.

Engineer Dykstra stated they did want us to widen the roadway.

Member Spears stated we get a long of dump truck traffic up and down Ringwood Avenue and in that area too so that was going to be one of my questions is where do the dump trucks that want to eat at the new restaurant go?

T.E. Olivo stated not on this site. Unfortunately, that is the dump trucks that travel up and down this area if they come to a smaller site, a Dunkin Donuts coffee shop; they can't really circulate those sites either.

Member Spears questioned there is going to be advertisements on Rt. 287?

T.E. Olivo answered I am certain that with the blue backed signs on Rt. 287 the applicant would pursue something like that, yes.

Member Spears commented so there will be an increase in the traffic.

T.E. Olivo answered yes. That's what we've studied within the report. We would expect as part of projecting traffic that there could be an increase, absolutely.

Member Spears stated my concern is along with the question that I had earlier about delivery trucks is also mom and pop pulling wagon or driving their mobile home and where are they going to go.

Attorney Rubin stated a mobile home cannot fit on this site. Member Spears agree.

T.E. Olivo stated a lot of times these types of sites, having worked on many of them, they tend to be somewhat self-policing in that way. If you are driving a mobile home and you come up to this site, you know you are not going to be able to get on the site.

Member Spears has parking for that.

Chairman Foulon stated they are either go park in Burger King or pull into the laundromat.

Attorney Rubin may recall because this Board provided for it, there is long spaces for that kind of vehicle at the Burger King because you specifically provided that when the matter was before this Board.

T.E. Olivo and if it suits the Board this operator certainly runs other Taco Bell Restaurants the thought is to have that vehicle in early morning staged on Union Avenue with this widen pavement they can certainly work with the delivery vehicle to do that. I know there is a lot of concerns about going in and out of the driveway and perhaps that is the solution. Chairman Foulon thinks they are going to have to. They might get in the driveway, but they are not going to get out.

T.E. Olivo twice a week operationally, early morning when there is very little traffic on the roadways, that perhaps could be the solution.

Member Slater questioned will the County give you access off of Union Avenue?

T.E. Olivo answered I don't believe so. Member Slater stated I don't either, but had to ask. Member Platt stated do you know what a tractor trailer is going to do on Union Avenue stopped with traffic trying to get around it.

Member Slater stated they could conceivably put a driveway along the east side of the building out to Union Avenue.

Engineer Cristaldi stated I don't think it's a good idea for this Board to suggest they park on Union Avenue.

Chairman Foulon stated we are not suggesting anything. We are looking at scenarios that will happen.

Vice Chairman Graceffo commented that the primary concern here would be to increase the width of the entrance from 25' to 30' and to provide us with some kind of schematic that is going to show us the practicality of vehicles entering and exit whether they have to pull in and back out and knowing that they can physically do it.

Engineer Cristaldi questioned isn't there a weight limit on Greenwood? You may not even be permitted to drive a truck up that road.

Member Platt answered yes there is.

Vice Chairman Graceffo stated I don't think they'll be using Greenwood Avenue in terms of actually driving through.

T.E. Olivo stated driving through the area, there is no limit that I am aware of. Perhaps as you get further to the north, it becomes narrower and certainly there may be limitations there.

Member Slater questioned the delivery entrance is 2/3rds 3/4ths on the way back to the east side of the building where there is a little black triangle?

T.E. Olivo stated my understanding is that they could come through one of those doors up there, yes.

Member Slater stated if you look at the plot, if the truck could get in the lot, he could swing around and come back out. Getting in is the difficult situation. Another words, there is 70' off the building to the curb line or there about, correct? He could get in, but if you widen your driveway you lose a parking space so we are back to the 9x18 versus 10x20 argument.

Engineer Cristaldi stated they testified that if they went to 10x20 they were going to lose a space anyway, so you could lose that one that is adjacent to the driveway. How wide can you make that driveway? I know the limit is 30, but how wide could you make if you could make it as wide as you wanted without the one space? That is space is 9' plus you have the width of that island. How wide could you make that driveway opening? The more you have, I think the easier it will be for the truck to maneuver and I think it is better to have an extra wide driveway at that spot.

Engineer Dykstra answered 35', but I don't think we want to get any wider than that.

Vice Chairman Graceffo stated you have to increase the width of the entrance. The point is, whatever you decide, the key thing is whether or not, by schematic, can the vehicle move in and out the way you are suggesting. If you show us that, that's all we are looking for.

T.E. Olivo stated we know what the constraints are. We need to provide 14 parking stalls and get the driveway as wide as we can to be able to accommodate a tractor trailer. We are in a business zone and any business that would be here would likely have a tractor trailer on the site, so anyone who is here is going to run into a similar concern. Again, we are happy to work with Engineer Cristaldi on providing a plan.

Vice Chairman Graceffo stated the idea is to know beforehand what can be physically accomplished, so prove it to us and yourself, so it doesn't become an issue after the fact.

T.E. Olivo understood.

Engineer Cristaldi questioned where is the parking on Greenwood on the opposite side of the site? Because there looks like there is a driveway directly across from the entrance. I don't want to see trucks starting to backup into that driveway.

Member Slater stated that is the parking for the tenants and the laundromat.

Member Platt stated people park in there and on the street also.

T.E. Olivo stated if there is a driveway there, you wouldn't be able to park cars there across from our job site where you would have a truck maneuvering. They would be in the driveway.

Member Platt showed on the site plan where parking on the street occurs.

Engineer Cristaldi stated you are going to have to account for the street parking.

Attorney Rubin commented that we would like to move forward with the application with the condition that we provide the Board's Engineer with a template to show that it works and with an additional sized driveway area, just so we don't have to come back.

Chairman Foulon stated you are going to have come back. You might get preliminary approval tonight, but you will not get final. Not until these questions are answered to our satisfaction.

Attorney Rubin stated we can do that. This is all the witnesses we would have for this evening.

Engineer Cristaldi questioned are you sure you can't get smaller truck deliveries?

Attorney Rubin stated I asked that question already. I went through that inquiry before tonight.

Chairman Foulon stated these franchisees they have their rules and nothing changes.

Attorney Rubin stated you can't change the company; it just doesn't work.

Chairman Foulon: Any other questions from the Board?

MOTION TO OPEN THE MEETING TO THE PUBLIC HEARING: made by Vice Chairman Graceffo, seconded by Member Platt. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Members Platt, Spear, Slater and Leonard

Chairman Foulon: Anyone in the audience wishing to address the Board on this application, and only this application, please step forward and state your name and address.

Ken Manning – 2 Linda Road, Wanaque

Mr. Manning: Just a quick question, I was hearing the word redevelopment quite a bit, is this a redevelopment zone? That is maybe a part of a Pilot Program in town.

Chairman Foulon stated no. It is a Business Zone.

Mr. Manning: I thought this was another redevelopment zone. I see a lot of these Pilots going on in town. I have seen a lot of businesses over the years, we have a lot of stuff going on and have seen a lot of positive changes in the community over the last 20 years that bring in a ton of tax revenue, don't add a child to the school system, but my taxes have doubled in the last 20 years.

Chairman Foulon stated through no fault of the town.

Attorney Rubin stated there is no Pilot Program on this application. That doesn't exist in this kind of commercial application.

Joe Van Buren – 156 Greenwood Avenue, Haskell

Mr. Van Buren: I happen to live on Greenwood Avenue within a house or two of where this site is going. Nobody knows more about the water issues and the traffic then I do that's in this room today. Now that drain clogs, anyone who has come up my street during a storm knows the pond that gets created by the bad drainage. We loving call that Lake Carroll. The reason we do that is because, if you don't know who I am, I won the right to have that drain fixed in court. What they did was they took a pipe from the corner and ran it to Stop & Shop. It does not alleviate the flooding. If you have come down the street over

the last week, you would know that. My neighbors called in twice because the drains are sinking into the ground and nobody has fixed them at all. If he is going to have stormwater run on the overflow back into that pipe, it is obviously unacceptable. There is a severe drainage issue that is at that corner. The water will go from my property, which is the house with the big white fence, will fill up the street to my first neighbor and come all the way down past this existing driveway. The reality is any additional water due to a storm is going to be problematic. Until that is fixed properly, no additional water should be allowed on that street from any other source. It is a severe problem. People blast through there at 50mph because they think it is a fun game to play. My house happens to be street level and I am just waiting for somebody to hydroplane into my house because it is going to happen. Every time the police come by and they put a blinking light up, somebody gets irritated. So this drain is a serious problem.

To address your parking, they park along my fence; they park on the corner of the lot next to me; they park in the laundromat; they park in the street by the laundromat; and they park on the street in front of the house that is going to be directly across. Therefore, your 40' street is really 20' something at night. If these guys came by, they would see that. On top of it, when you make a right off of Union to go up Greenwood like I do, you are already dealing with somebody turning right into the laundromat without a blinker and now I have to worry about somebody going left. There is more traffic concern than they are letting on. That intersection from 4pm to 6pm, especially because you have people trying to outrun Ringwood Avenue, so we have additional traffic at that time because Ringwood Avenue can't handle the traffic it has. When he says there is going to be no additional traffic, it is an absolute lie because we see it now.

Also, at this end of the street have visual garbage concerns because we get a lot of Burger King's trash coming by and my concern is we are going to be picking up more papers in the general area.

If you are going to have a truck dropping off at 4am, I will learn where each one of you people live so I can come by with an air horn and share the nice noise I am going to have at 4am. They don't allow contractors to work before 7am; they need to have the same rules. I am two houses away, so on top of the delivery and then the garbage truck, and the additional traffic this is a problem. I already have additional headlights when Burger King was put in coming up and down the street at 2am when Burger King closes. This again is going to be more headlight traffic into my house and my neighbor's house. These are issues that we have. Mostly, coming in the morning at 4am is going to be a problem unless some people give me some numbers. It is going to be unacceptable.

Chairman Foulon stated okay, but you must realize that it is commercial zone. It is there to promote business. We all have to work together and come up with the best solution.

Engineer Cristaldi questioned where is the drain that the County told you to move because the County told them to connect to a different inlet. Which is the inlet that the County told the applicant to connect to.

Engineer Dykstra (using the Site Plan Exhibit) stated there is an inlet by Mr. Van Buren's house, there are some storm manholes that go all the way out to Greenwood Avenue and there is a pipe heading in this direction and we couldn't find the end of it.

Engineer Cristaldi questioned where are you going to connect?

Engineer Dykstra stated on the corner. There is a another manhole approximately on the Exhibit where Greenwood Avenue is, where the lettering is, right about in that area.

Engineer Cristaldi questioned where did the County tell you to connect to?

Engineer Dykstra stated they just said don't connect to this one (pointing on Exhibit).

Engineer Cristaldi questioned where are you going to connect?

Engineer Dykstra stated we were going to connect to the next manhole up on Greenwood Avenue.

Member Slater questioned where does that run to?

Engineer Dykstra stated that runs to the same piping system.

Engineer Cristaldi stated is the pipe there because it seems like it backs up where his house is it's further upstream. Did anybody ever televise that to see if the pipe is clogged or collapsed?

Member Platt stated he has to put sand bags in front of his house.

Mr. Van Buren stated that is right. I have to sand bag when the rain comes. So anytime you guys you to come and help, it is okay. Let me tell you what the Town and County decided when I took them to Court. They took a drain and they took a pipe and they came over here (pointing on Exhibit) and then they put it into the Stop & Shop drainage which is over here on this street. It is only a 6" pipe like they stated. It barely runs maybe a foot under the ground. The pipe on Union runs down cause then they dug it up they found out that somebody pulled the pipe when they did Jersey City pipes, so that dead ended to the ground. To take some alleviation, they took this over to the Stop & Shop storm drain, which is only a 6" pipe. It handles the full drainage of this street. A little 6" pipe system from here to here. This is a severe problem for anybody on the south side of Greenwood Avenue because we get the pond. We could stock Lake Carroll if plugged up the hole. Engineer Cristaldi stated we should really have them go down to the County and find out what happened to the drainage system in Union Avenue if it really is cut off or whether or not the County realizes that the drain is cutoff.

Mr. Van Buren stated they dug it up because I was there. It was the County Crew and they didn't fix it and said they couldn't do anything because there is a big pipe in the way.

Engineer Cristaldi stated the old aqueduct.

Mr. Van Buren stated right. They noticed that somebody had drawn a plan to actually run that pipe under the big pipe for the aqueduct and then somebody realized how much that would cost and then cut and dead ended it into the ground.

Chairman Foulon stated that is the reservoir pipe.

Engineer Cristaldi stated there is more than one; there is a couple of them.

Mr. Van Buren stated anyone who has tried to drive up Greenwood Avenue in rain knows it becomes a very big pond. They cannot have any additional water.

Vice Chairman Graceffo stated you are saying on the northern part it starts pooling at that section moving southerly.

Mr. Van Buren said sure and it has actually expanded through the corner at times, when I sand bag to protect my house because you guys haven't fixed the drain.

Chairman Foulon: Mike, you are going to have to work on the drainage.

Engineer Cristaldi said okay. I have to get a hold of the County and see what records they have.

Chairman Foulon stated but let's see if we can't get some benefit from this instead of some detriment. Let's see if we can't solve the problem of Lake Carroll and improve your situation and also the applicant. This might be a good opportunity to take care of that. We will strive to do that.

Joseph Diaz -3 Mountain Lakes Drive, Wanaque

Mr. Diaz: As I am listening to this, I was happy to hear that you brought out the opening to get in and out of Taco Bell. My concern that nobody brought up would be getting an emergency vehicle in there, like a fire engine if you ever needed to.

Member Platt stated there is no need to get a truck in there.

Mr. Diaz stated the gentleman with the water is absolutely correct. As I was also listening I thought that with the mountain it is going to be cut off, blasted or jack hammered, there should probably be a collection basin there as well because there is a lot of runoff that comes off there.

Chairman Foulon stated with the retention that they are doing, they are going to retain probably more water underneath than is retained there now. So your water situation actually, with the retention basin, should be somewhat less than what is going there now.

Mr. Diaz state the other thing that I was happy to see was one of the other members pointed out the fact that the traffic study was inaccurate once you put a sign on Rt. 287; it changes all the traffic since now you are going to be pulling people that would normally not be driving around town so you might want to consider that as well.

Glenn Heddy – 159 Greenwood Avenue, Haskell

Mr. Heddy: My property is directly behind the laundromat. What my neighbor stated is correct. There is definitely a water issue there, but my bigger concern is the truck and the parking situation is a problem because there are cars always parked there because there is limited parking. People have kids and the lots are small and you don't have deep driveways so people tend to park in front, at least during the summer hours when you can. If there are cars on both sides, there is no way a big truck is going to get in or out whether it is a garbage truck and definitely not a 53' delivery truck at 4am, peak hours or not peak hours. Off peak hours is when the cars are going to be there. During the day, maybe people will be at work or whatever, but people park there overnight. Also, a lot of people cut through that corner because Ringwood Avenue bottlenecks. There are constantly cars and everybody turns there tends to hit the gas and gun it. I even have to be careful coming out to get into my car to look that I am not run over. To have the only access to that operation on Greenwood is going to be a major problem. You are going to have accidents, people blowing their horns, late night noise, garbage; it just think it is really going to depreciate from the quality of life for people living in that area. Burger King is a completely different situation. It is a much bigger lot and much more accommodating for garbage trucks to do their thing and trucks and r.v.s to move through. I am not opposed to somebody developing their property; it is their property. It has to make sense for everybody involved. There are other sites that I think would be more practical for that type of business. That would be concern with the parking. No matter how wide they make that driveway, I am just going to be looking at a giant driveway then. With cars on both sides, I just don't see it, and if he is halfway in there, now you have cars just blowing their horns and it is so close to that corner. People turning and he is going to be right there with

a big truck, garbage truck or what have you. To try and maneuver around the building, you are assuming spaces are empty; some people are going to have cars there. And the draining thing, just adding more water, more pavement, less grass to absorb.

Chairman Foulon stated that is what their underground retention basin is for. It is going to give you less water.

Mr. Heddy stated but if the ground is already saturated and can't absorb any more water, you could put whatever you want there; it is not going to go anywhere unless it connects to a pipe that actually connects to another pipe. I already have some dampness and if any more is added to it, it's just going to really be a problem.

Jerry Reap – 35 Mountain Lakes Drive, Wanaque

Mr. Reap: I see some problems with the property. My question is does Taco Bell or Ms. Patel or a third party own that property?

Chairman Foulon stated right now they don't own it, I don't believe.

Attorney Rubin stated it is under contract.

Mr. Reap stated so it is being brought?

Attorney Rubin stated yes, it is under contract.

Cheryl Van Buren – 156 Greenwood Avenue, Haskell

Mrs. Van Buren: I have a problem because it is a family neighborhood. There are a lot of children and also a lot of dogs. I realize what you said before that it is a commercial property but Greenwood Avenue isn't; it is residential. If it is a commercial property, the tractor trailers should be on Union Avenue, not Greenwood. They come in at 4am, dogs are going to be barking and children are going to be woken up. It is just not fair to have tractor trailers in a residential neighborhood.

Chairman Foulon stated but, in all fairness, if they were allowed to come in off of Union Avenue, and pull to the end of the lot, it is no different whether they are going down Greenwood Avenue to that point and taking a left. Do you know what I am saying?

Mrs. Van Buren stated right, but they are asking for permission to come in on Greenwood Avenue.

Chairman Foulon stated they are going to come down on Greenwood Avenue and go here into here (pointing to Exhibit). If they were allowed to come in here, they are going to end up in the same spot.

Mrs. Van Buren stated not if they had to access through Union Avenue.

Chairman Foulon stated even if they had access to Union, they are going to end up in the same place to drop off the goods.

Mrs. Van Buren stated they won't be coming down Greenwood and we would be a little bit more removed from it. Right now we are going to have headlights of all these cars coming through the drive-thru directly into our bedroom windows. We have two bedrooms that face that property so all the cars turning around going through the drive-thru, and it's opened until midnight, we are going to have headlights in our windows.

Chairman Foulon stated that is going to be shielded with a 6' fence, correct?

Mrs. Van Buren questioned no lights are going to come into our windows, that is what you are telling me?

Chairman Foulon stated I don't know; I am not an engineer.

Mrs. Van Buren stated I don't see how that is possible and how we and the residential homes are not going to be affected by this. No one else cares that don't live on that street. Our families are going to be affected, not yours.

MOTION TO OPEN THE MEETING TO THE PUBLIC HEARING: made by Member Slater, seconded by Vice Chairman Graceffo. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Members Platt, Spear, Slater and Leonard

Attorney Rubin stated apparently you would want some additional planning and engineering as to the traffic movements on site and have asked Engineer Cristaldi to look at the drainage so I guess there are some things that have to be done before your next meeting. When would that be scheduled?

Chairman Foulon stated that would be in September. September 21st at 8pm.

Attorney Rubin stated any plans, if they are revised, to be in ten days before by the 11th or thereabouts.

Attorney Veltri questioned Attorney Rubin if the applicant will waive any time constrictions?

Attorney Rubin answered yes, of course, absolutely. I just want to make sure that the ten days is sufficient for bringing in any plans because obviously something is going to be changed.

Chairman Foulon stated I think it behooves the applicant to get together with the County and see if they can't get at least an exit onto Union Avenue.

Attorney Rubin stated that might be difficult.

Member Slater stated I think perhaps if you could center the building on the property and gain access off of Union Avenue similar to what Burger King has the truck goes in Burger King and comes about 9pm or 9:30pm, they park in the parking lot, they block in one or two cars and they are gone in 10 or 15 minutes. Same thing could happen if you could pull in and go along the side of the building and go right into the supposed delivery entrance towards the rear and be gone. He could conceivably go out the other way and the need for that driveway on Greenwood would be eliminated.

Attorney Rubin stated Engineer Dykstra has his work cut out for him. Between our Traffic Engineer and our Site Engineer we will have to come up with something for the next meeting.

Chairman Foulon: For anyone in the audience, there will be no further written notice. This application will be heard again, or continued, on September 21, 2017 at 8pm in this room.

APPLICATION #PB2017-04 “Lakeside Manor”

**Property Address: Pond View Circle (Block 200.20/Lots 1-47)
Architectural Drawings Review**

Board Members Councilman Cortellessa and Member Michael Ryan participated in this portion of the hearing.

Chairman Foulon: Mr. Benecke can you explain to the Board and to anyone else here what we are doing, because we don't know.

Mr. Benecke: Just for the record to my right is Fred Suljic, the Planner of record on this project for the Borough. This is a courtesy review under the Municipal Land Use Law and under the Redevelopment Plan of the Lakeside Manor redevelopment buildings and the specific exterior of the buildings and the architectural designs of the buildings. The Site Plan for the project was approved in 1999. There has been some bits of starts and movements and sideways work, including the demolition of buildings and other things as well. This is just to provide the Planning Board with a look of the architectural renderings and what could potentially be built on the site. I would like to have Fred Suljic go through some of the planning criteria and then turn it over to the property owners.

Fred Suljic: On Section 5 – Building & Site Design – Building Design & Materials
The concern that would need to be raised tonight with the applicant's architect is to make sure that the type of materials on the exterior conform to the redevelopment plan. Just to summarize, we have to make sure that includes cast iron or brick at the base of the buildings and they would have to stipulate to that; wood hardy plank or hardy plank panel to apply with cement siding or similar approved materials. If there was a similar approved material, that really should be reviewed by our office in conjunction with your compliance officer. Typically, your compliance officer of any site plans or redevelopment plans would be your zoning official, who is also the construction official. If that particular gentlemen needs any assistance, myself as the planner would be glad to do it. Also we have to make sure that washer and dryer, central trash, recycling, mechanical features in each of the buildings and any mechanical equipment above the roofline shall be painted or screened. Again, the buildings need to be broken up vertically into a base, middle and top and horizontally using attractive architectural features such as bay windows, planters, cornices, and the like. You would ask the architect and the applicant to prepare that and present that to you. Again, just as a reminder, this is a courtesy review. We are not reviewing the site plan that was previously approved. Anything that is comparable to the site plan that was approved previously 18 years ago that would be up to the zoning officer to make sure the buildings are exactly where they are now proposed as to what was approved.

Chairman Foulon stated that there will be no change of the original footprint.

Planner Suljic stated no change whatsoever, not an inch.

Mr. Benecke has one clarification. One of the DEP permits may require one of the buildings to the east to be moved 2' to 3', away from a buffer area. Other than that, the footprint remains exactly the same. That 2' to 3' movement as already been part of a DEP

permit and they considered it de minimis. It doesn't change the footprint itself; the geometry is still the same, just 2' to 3' moved to the west.

Vice Chairman Graceffo questioned so the entire size of the building would be moved to the left you are saying?

Mr. Benecke answered yes; everything is moved just a bit to the left.

Vice Chairman Graceffo stated the footprint is not changing, but the present construction there is going to be complete demolished?

Mr. Benecke stated no; it is not a currently built building.

Vice Chairman Graceffo questioned the ones that are?

Mr. Benecke stated that is not for tonight. We are just talking about the architectural rendering.

Planner Suljic stated we are just talking about the architectural elevations. If there is an issue with the structure's foundation itself, that is an issue the construction officer would have to resolve to his satisfactory that the engineer's for the applicant are going to present sufficient information to show that those foundations are structurally sound. That is a decision to be made by him, not here.

Vice Chairman Graceffo questioned what architectural drawings are we reviewing just the ones that are not built?

Planner Suljic stated only elevations.

Vice Chairman Graceffo stated right now there are buildings there.

Chairman Foulon stated no they are not, only the foundations.

Vice Chairman Graceffo so just going from that foundation up basically.

Mr. Benecke stated it will actually be the site plan foundations up is all we are dealing with. We wanted to ensure, and this goes to the redevelopment plan itself adopted last year, that the site plan and the architectural plans were shown to the Planning Board one more time during the course of this process so you could see actually what could be built there. The property owner has engaged a professional to come and show you that potentiality. We are not here to go over, nor do we have first-hand knowledge, of the Borough's conditions and agreements with the property owner and we haven't been asked to opine on that.

Planner Suljic commented to the Board that what we are referring to where the existing foundations are left are Lots 29 thru 34 and 42 thru 47. The building that may have to be moved is the one behind Lots 29 thru 34. The foundations that remain are referred to as Lots 29, 30, 31, 32, 33, 34 and then 42 thru 47.

Councilman Cortellessa questioned do both of those have to be moved?

Planner Suljic answered no, none of those two. It was in the backside; I think it was up around near Lot 1.

Planner Suljic stated the architect and the property owner can present that information to update. Again, this is courtesy review.

Eric Abraham, Esq. represents the developer. I concur with Mr. Benecke's description of what we are all doing here tonight, which is a courtesy review of updated architectural. We are not here for approval; we are not asking for vote. The project architect has prepared updated elevations and interior layouts to review with the Board tonight. The architect is Noel Musial and he will give his qualifications before he starts his presentation. His mission was to re-visit the elevations and the site layouts that were previously prepared, to update them and bring the design in conformance with a more updated presentation for today's life and consumer and also consideration of the existing redevelopment plan. We had delivered on July 6, 2017, twenty copies of a slightly earlier version of the drawings. If you'd like, I have some slightly prettier versions to hand out that are a little bit smaller if that would be easier for you folks to take a look at rather than wrestle with the larger pages.

Planner Suljic questioned Counsel, based on what you are handing out, is there any change in the elevations of the drawings?

Attorney Abraham advised there is not a change. What is in the smaller handouts I gave you, some of the buildings for this project have the garage in the basement level and in the drawings that we delivered on July 6th, there was no front facing elevation for those buildings that have the garage in the basement level, and that has been included in this smaller version. Other than that, no difference. With that, I would like to introduce everybody to Noel Musial.

Architect Musial will not be sworn in since this is a presentation only.

Noel Musial, Architect: I head up the Musial Group Architects, Mountainside, NJ. I have had my own firm for over 40 years, primarily doing public sector work, government work, municipal buildings, county buildings and schools. When that type of work tanked a couple years ago, we started doing multi-family housing. We have done a number of multi-family housing projects throughout the state. I have appeared before numerous Planning Boards in the State of New Jersey from Sussex County down to Atlantic County. I am a Licensed Architect & Planner and Certified Interior Designer in the State of New Jersey and also a Licensed Architect in surrounding states as well.

Attorney Abraham: Architect Musial could you please walk the Board through the front facing typical elevation, particularly making note of the building materials that are provided.

Architect Musial: I am looking at Drawing 1-A0, which is the front elevation of the building that has the garage at about one foot below the main living level of the building. As Counsel indicated earlier, the building is to be built on the existing footprint and I am responsible for the building above the foundation. We are showing a stone area in front of the garages, hardy plank siding and some plaster siding and timberline type roof along the front. The colors are actually, as best you can do with printers these days, but they would obviously be the standard colors by a hardy planker or cement company.

Architect Musial: We also show colored floor plans to give you some idea as to what the floor plan is going to be. We've modified the front and gave a couple of options for this type of footprint. One is with the kitchen in the rear and the other has the kitchen in the center. It is basically an open plan with deck shown on the original site plan approvals, the laundry in the basement or on the lower most level, but basically trying to mimic the foundations that are there. Another plan with a little bit different configuration. This being Option 1B. Then we have a third plan with the kitchen in the front with an island, living area to the rear and dining area in the middle and three bedroom unit with walk-in closets and large master bath. Then we have a fourth plan and I don't know how much you want to get into this, but we have come up with a number of different options showing different stair configurations with the kitchen in the front as well. Then another building elevation with the unit that has the garage on a lower end. One of the things that we tried to do, and I never seen the original buildings to be perfectly honest with you, but I goggled a map and goggle maps showed the previous buildings had stairways that went up full in the front of the building, so we tried to split it and we have a center level. This is the plan with the garage in the basement or lowest most level and you would go up half a flight to an intermediate level and you go down to the garage or go up to the living area with the kitchen and dining area and again the master bedroom. That is a quick explanation.

Planner Suljic stated those stairways looked horrible. They look like stairways to heaven. **Architect Musial** stated I wouldn't even say a stairway a heaven.

Councilman Cortellessa questioned all the units in 2A-1 are two bedroom units and the rest of them are all three bedroom units?

Architect Musial stated the majority of them are three bedroom units.

Attorney Abraham: Architect Musial could you just discuss some of the interior finishings?

Architect Musial stated the intention is to have wood floors on the bedroom level, wood floors for part of the main living level and a tile in the defined kitchen area and the vestibule would probably be tile. There is some discussion whether we should put wood on the upper floors or just carpeting and it is probably going to be carpeting on the bedroom levels.

Vice Chairman Graceffo questioned so there are going to be eight buildings, correct?

Architect Musial answered there is my understanding, yes.

Vice Chairman Graceffo questioned which are the eight buildings?

Architect Musial stated what I am showing you now of the eight buildings, two are in center that have the existing foundation walls.

Vice Chairman Graceffo of the elevations you are showing us, how many buildings would look like that basically?

Architect Musial answered probably four. It is my understanding that four of the buildings have the garage at the first floor level and four of the buildings have the lower garage.

Vice Chairman Graceffo, so then when we get to the buildings that the foundation that have the garage at the basement level, obviously the buildings stack up a lot higher because

of the elevation. You are showing us two different styles. I am assuming that we are going to go with one of them. Am I correct?

Architect Musial answered yes and frankly I prefer this style with the juliet balconies on the front.

Vice Chairman Graceffo questioned versus the windows? It should be reversed in my perspective.

Chairman Foulon also agrees.

Vice Chairman Graceffo commented what our determination here is that if we don't want the balconies, we want bay windows, an extension on the overhangs on the ridge lines, shutters. The other thing is the buildings that were originally built were all brick. You are not showing any brick in these buildings. You are showing hardy board and why stone?

Architect Musial answered frankly because there was a lot of stone in the area and we thought you would prefer stone. If you don't, we will make it brick.

Vice Chairman Graceffo stated I think it should be brick since that is what was originally there. I think there needs to be a little more architectural style or emphasis to make them a little more attractive.

Vice Chairman Graceffo stated obviously, this last elevation is high and that is one of the issues of the last design, because you had a full flight of steps. That is an improvement I have to admit by using the center split, but even the stairways here, there has to be some railings to them, there has to be something to make them look attractive for the simple fact that you have one entrance door, with no side panels, and a large platform like that. As you see on this one, on the lower level you have a door with a side panel.

Architect Musial stated we can do that; we can take that into consideration. I think that is a valid criticism.

Planner Suljic questioned would you consider taking brick or stone and at least going up 3' to 4' all the way across to tie-in what you've done, I guess what it appears to be stone where its surrounding the garage doors itself. If you can pick-up by making it at least half the window. The windows here, I guess are looking like they are about maybe 2-1/2' to 3'.

Maybe you can come up maybe at least not quite halfway to the window, but pick up about 3'. I wouldn't go much higher than that as a consideration.

Architect Musial stated we can do that.

Vice Chairman Graceffo questioned why not go all the way? Why not up to the first level?

Architect Musial stated we can do that.

Chairman Foulon commented I don't think you want the whole building brick.

Vice Chairman Graceffo stated no, I am saying halfway across. But do you have like hardy board in pieces towards the front, what material is that, stucco?

Architect Musial stated this would be a stucco here, up above, yes.

Vice Chairman Graceffo stated on the pieces on the fronts coming forward?

Architect Musial stated on the fronts coming forward that is the hardy plank, the bump outs.

Councilman Cortellessa commented that when I look at it, they look like Brooklyn tenements to me. I don't see any attractiveness to them at all. Maybe you need to provide more detail, what materials look like, the colors look like, etc. But, when I look at this rendering, it looks like a tenement.

Planner Suljic stated it is valid point.

Councilman Cortellessa stated I understand it is a valid point, thank you. But I think when you look at that number of units along the those foundations, which are pretty horrendous at this point, it looks like a tenement. I don't know who would buy there.

Architect Musial stated this one is very rough. I would prefer something like this with modifications if you'd like.

Councilman Cortellessa stated the other question I had, and I can be absolutely wrong on this, I thought there were not as many three bedroom units as you show on these plans. I thought they were more two bedroom units. I know it is on the same footprint, but I thought there was a change in that configuration because it affects us from a school perspective, traffic perspective, etc.

Chairman Foulon stated it has to be exactly the same as what was approved.

Planner Suljic stated your compliance officer is going to have to verify that the previous site plan is used and I would suggest that you have a meeting with the zoning officer. Because if there are any differences, he is not going to approve it.

Councilman Cortellessa stated that the materials you plan to use to make them look like better looking homes; you are going to do that as well? In terms of the brick or the stone that you are going to use. I guess you are also using concrete or stucco on the front of these buildings.

Architect Musial stated the stucco is shown. We haven't shown any cast stone, but if we are going to use brick, we will obviously use some cast stone, put sills ins or headers or something like that.

Councilman Cortellessa stated you are going to show a little bit more detail as to what the siding is all about.

Architect Musial answered yes.

Councilman Cortellessa stated the window structures vary so I would like to see windows that are much more attractive then what I see here.

Architect Musial questioned what do you like?

Planner Suljic stated hopefully you don't put replacement windows because we have seen too many projects around New Jersey where they come in and say they are going to put a quality window in and then they come in with a replacement and it looks like hell and doesn't last long either.

Councilman Cortellessa commented there needs some variation because everything look sort of like cookie-cutter and I don't understand why. We need some variation to make it attractive in that environment. As you drive up that road, in my view, you don't want to see a bunch of tenement looking buildings. I think that is critical from my perspective going forward.

Architect Musial stated okay.

Member Spear commented that we are talking a lot about how to make it look prettier, but unless you have something solid to build on it doesn't matter how pretty it looks if it is not stable. We keep talking about the foundations. What is the condition of the foundations that are going to be used, have they been tested or validated and what about the two that are going to moved 3'.

Architect Musial stated it is not the two we are showing here. I think what he is referring to are the ones, for a lack of better term, in the back.

Member Spear stated so these are going on the existing foundations?

Planner Suljic stated so long as the construction official certifies based on their engineer providing structural data or review or certifications to his satisfaction then they can build on existing. There may be a lot of repair work, there are pieces starting to come off and has to be verified that it is certified as a structure that can hold that weight. Right now, the way they were torn down, and I have a background in engineering and architecture, but I am a Landscape Architect who has a Masters in Planning and I took a look and it is basically your Board Engineer as well as construction official to agree that they accept those reports.

Member Spears questioned who does the reports and who goes out there and actually does the testing?

Planner Suljic stated the actual testing would have to be done by a civil engineer that is hired. Typically what would happen is the Borough would request that there be an escrow account put in, another civil engineer prepare that structural data and present it to the Board Engineer and to the C.O. If they agree, and it can be done or there has to be a massive improvements or replacements that decision has to be made then. That is the C.O.'s decision.

Ken Manning questioned shouldn't an engineer have to validate that?

Planner Suljic stated I just said normally what happen is the Borough would request that money be put in an escrow account for an P.E. who is going to give a report to the C.O. as well as being reviewed by the Board Engineer and if they agree that structurally or maybe there has to be some minor things done to the foundation. Based on that separate report so that it is not influenced by anybody else; anybody by the Borough or anyone else; a separate independent report that would be paid for by the money in escrow by the applicant.

Ken Manning commented you are making more sense now than I have heard in the last 10 years.

Planner Suljic commented I have been doing this for a long time. I mean would the applicant agree counselor?

Attorney Abraham answered that is what has effectively what has occurred. There was an engineering report prepared by AAES which detailed some improvements that have to be made and some repairs. There was a review of that report that was done by Petry Engineering who was hired by the municipality and there is a process for the repairs to be performed and then they will either be certified as acceptable.

Planner Suljic stated that would have to be accepted by the construction official.

Ken Manning wanted to add to what you had just said, and he is correct. AAES Engineering, who is the property owner's engineer, two paragraphs stating they are adequate. No certification. With the help of Councilman Cortellessa at a Council Meeting he demanded that the Borough go out and seek another engineer, Petry Engineering and it very clearly says on Petry's report about everything that is going on with it and, if in fact they can be saved, and as you said, they have to again be reinspected and then certified before any bearing weight can go on them. I live there and when I tell you I can push on it and go over, they'll go over. I know I am speaking out of line here, but 22 years of getting bs'd by an unscrupulous developer is getting old. Do we want it done, yes; but we want it done correctly. My property values are 30% lower than anybody else's here by a council

for the most part that defends the developer as opposed to the residents that elected them so this type of thing doesn't happen.

Planner Suljic stated as an outside person working for the Borough, I don't see that. I can tell you that they have worked very diligently behind the scenes to try and get this done the right way. It is up to the C.O. to make that decision.

Chairman Foulon stated what I was told is that permits have to be issued by December 31st or the whole project is dead.

Planner Suljic stated that is correct.

Attorney Veltri questioned do you have any other presentation that you would like to make to the Board? Any other questions from the Board to the Architect?

Planner Suljic stated can the Architect just make sure everything they are agreeing to be placed on the map so that the C.O. can have that and get a copy back here for the Board Members.

Vice Chairman Graceffo stated I would like to see another rendering of what they are talking about here. Us discussing the different items doesn't mean anything until we see it.

Planner Suljic stated don't forget you don't have an approval at this point.

Vice Chairman Graceffo stated it is not a question about approval; it is a question of accepting the elevations.

Planner Suljic stated the issue is that you want to feel comfortable with the elevations, the colors and the treatment, etc.

Vice Chairman Graceffo stated yes that is what we are looking for.

Attorney Veltri stated I think what the question is you are hearing some comments and it looks like we are tacitly agreeing. Will you be amended your architectural and re-presenting this to us or what is your strategy from the applicant's point of view?

Councilman Cortellessa questioned why are saying will you; they need to.

Attorney Veltri stated I would like them to answer the question and then we can get into what they need to do.

Attorney Abraham stated we can prepare and circulate a revised rendering, but I don't intend on coming back before the Planning Board.

Attorney Veltri questioned who are you going to circulate the rendering to?

Attorney Abraham stated we will submit them to the Planning Board.

Vice Chairman Graceffo questioned if we have additional suggestions for you, are you going to be open to them?

Attorney Abraham answered yes, absolutely. I appreciate the comments that have been made tonight. They have been very helpful.

Vice Chairman Graceffo wants to review that there are going to be 8 buildings and of those 8 buildings basically 4 of them are going to have this particular view and the other 4 are going to be something else, not what we saw here. With changes on the split level to the entranceway, stairs, windows, treatments, etc.

Architect Musial stated what I am going to try and do is the outside entrance make that lower by a couple of steps since right now we are 50/50; 50% outside and 50% inside. I think I will lower outside and put more steps on the inside to go up in that split level so it doesn't seem as massive outside.

Vice Chairman Graceffo stated we are definitely not looking for the last two options; Option 1A and Option 1B. We are looking more at the first presentation with the two different levels and we are looking brick going across, better treatment windows and, like I said, making it look a little more attractive than what we have on those last two pages and accenting what you have on this front page.

Planning Suljic stated since these are only on two sections, would you be willing to come back when you are ready to do the other sections if there are any changes in the elevations or any changes on the interiors to come back as a courtesy copy to the Board.

Attorney Abraham answered I would consider that, absolutely.

Planner Suljic commented please tell that to the applicant that that would be appreciative all the way around.

Chairman Dunning: Any other questions?

Joseph Diaz -3 Mountain Lakes Drive, Wanaque

Mr. Diaz: I don't know if you recall but over one year ago I was here and I had asked the members to please not rush to vote on declaring this a redevelopment since it had never technically been developed. You heard me, you voted and you made it a redevelopment site. It has been over a year now and we are looking at buildings that have been torn down and the foundations have deteriorated and I have read both reports. I don't know if everyone has had the privilege to do so, but they both have failing grades. They both state that the foundations, not the footings, are inadequate or not satisfactory unless certain work is performed. There is a deadline of August 11th. So none of this really matters if the foundations are not certified and approved so they are structurally sound to hold the load of whatever you are going to put on top of it. That work has not been done yet. They are running out of time which is typical. They always wait until the eleventh hour to try and push things through. My concern is, and what your concern should be, is how would you feel if you purchased a new condo on foundations that are 15 to 18 years old. Who is guiding any of the new residents that are coming into the community? That is something you have to consider and that is something that I really want you all to think about.

Chairman Foulon stated it is not something for us to consider. I would say that it is up to the builder to disclose this upon the sale of such units.

Mr. Diaz stated that is not going to happen. You know we are dealing with a track record that tells you that is not going to happen.

Chairman Foulon stated it has to be disclosed.

Mr. Diaz commented I will make sure I disclose it on my property as well.

Mr. Diaz stated the other thing is we've learned that some of the buildings are going to be moved 3' so now you are no longer with the footings or foundations.

Chairman Foulon stated we are hearing that for the first time tonight. I am going to ask the Attorney to look into that and does that require a whole new site plan.

Mr. Diaz stated now it is no longer a redevelopment. You are not redeveloping on existing. You are doing new. Understand?

Attorney Veltri stated we understand and are going to look into it with the Borough Attorney and make some legal determinations.

Mr. Diaz stated when he was in front of the Mayor & Council I was baffled as to why our Borough Engineer had not gone out there and inspected it, just so he has a view of it, and why the Building Code Official hasn't checked it before any work is done so you see what was there and what might potentially happen afterwards.

Chairman Foulon stated no work has been done. No work can be done until a permit is issued.

Mr. Diaz commented I don't think you understand me.

Engineer Cristaldi stated we told you at the Council Meeting that both of us went out there. We both were out there.

Mr. Diaz stated you told me you weren't out there.

Engineer Cristaldi stated what Tom told you was he hired an independent engineer to do the report.

Mr. Diaz stated that is not what you told me. Thank you.

Ken Manning – 2 Linda Road, Wanaque

Mr. Manning: I am not going to go through the whole timeline here because I think we are all very aware of what this project was, the debacle that it was, the developer that is involved with it, the protection that he has had, so on and so forth as we move forward. On May 22nd of this year, the Council worked diligently to set up a timeline. I have that in my hand. Councilman Cortellessa was a part of that and he has actually worked on our behalf to assure that some of this gets done, but he can actually co-sign what I am about to say. This developer is no good; he is absolutely no good. I don't believe a word he says. You can have signed contracts and they mean zero. Words mean zero. I have a timeline here and he has defaulted on three of the first five items; something as simple as grass clippings, cutting the grass, putting window treatments in. It very clearly says in this signed agreement that they have that there be no extensions. Now listen, is it a matter of life or death that the blinds weren't in the window to make these houses that are falling down look occupied, no. Do I really care about blinds in there, but the bottom line is that was a signed condition of Mr. Rodriguez and he basically sullied the entire town once again, for something that simple. What's to say he is not going to do it again to everybody involved, namely the residents that live there. I have been a resident of 47 years and I love this community. I have been a homeowner for 20 years and my property value is 30% less because of this. As we move forward, the roads have been raised in front of my house that have created lakes. I am actually the only resident up there now that has sewer instead of septic and that is because I had to hire an engineer and a lawyer, at my expense, to prove that the road was raised 15" higher than it should have been and it was never inspected by anybody in this town, ever. I watched this go on for a lot of years and they finally agreed to take care of it. Now I am thankful to be on the sewer but it doesn't take away from the mess that is still there. All I am asking you to consider is this: the guy has not done what he said yet. I don't believe he is going to start now. We want it done and we want it done correctly, if it is going to be done. Or don't issue the permit, throw his ass out and bring it back to the pristine land and we move on.

Chairman Foulon stated you are talking to the wrong people here. We are not an enforcement board. We don't issue the permits. Our job is done here. We called this meeting for your benefit so you could see what their intentions are. Whether they meet their timelines or not, I am as doubtful as you are.

Mr. Manning stated I think we are all in agreement that those drawings are as half-assed as this development has been for 22 years. Thank You.

Jerry Reap – 35 Mountain Lakes Drive, Wanaque

Mr. Reap: Councilman Cortellessa, Council Meeting, Lot #47, do you remember the discussion about that? That it was a lot that was in limbo, nobody owned it and it wasn't going to be developed.

Councilman Cortellessa stated I remember it.

Mr. Reap stated now he says it is going to be developed.

Mr. Benecke stated it is actually Lot 48. It has always been Lot 48 and the Borough has generically referred to it as the "mother lot". We don't like using those words, but it is a "master lot" for the condominium association. It is intended to handle the traffic circulation, the wetlands and the like. The ownership of that lot will be in common interest with each of the condominiums that are created. Each one of the condominiums will have, as disclosure, a homeowner's declaration filed by the Department of Community Affairs that will include the redevelopment plan as a recorded document.

Mr. Reap stated I just can't stand that word – redevelopment.

Mr. Benecke stated that is okay and I don't necessarily disagree with you. I actually agree with you. The redevelopment plan actually stipulates that it is probable that the structures, including the foundations and the roadway, will have to be demolished. As Planner Suljic said that it is up to what he calls the C.O. (construction official) at the end of the day.

There are other methods to get at that. The Borough is working with the property owner to try and rectify these circumstances. They have a hard deadline and your point about Lot 48 and to just avoid any confusion, it is a "master lot". That master lot handles things like drainage, the wetlands, the traffic circulation and it'll be only common interest by the 47 condominium owners.

Mr. Reap questioned Attorney Abraham that you said you represented the developer. Attorney Abraham answered yes sir.

Mr. Reap questioned so the developer is Jacinto Rodriguez?

Attorney Abraham answered an entity that he owns. He is developing it through his corporate entities. It's not that I don't want to say his name. I am trying to be specific in response to your question.

Mr. Reap stated I was looking for a specific person that's all.

Attorney Abraham stated an individual is not doing this development. A corporation owned by an individual is.

Mr. Reap stated at that Special Meeting I believe it was told to us that Mr. Rodriguez had no interest in developing this piece of property.

Chairman Foulon stated, this is my interpretation of what happened, but that changed when some developer that Rodriguez was going to sell backed out. So now all of the sudden Rodriguez is back in the picture.

Mr. Reap questioned are you talking about Greentree backing out?

Chairman Foulon stated I think so.

Mr. Reap stated the meeting I am talking about happened May 22nd, just a couple months ago. Greentree was long gone.

Attorney Abraham stated the agreement between my client and the municipality basically says these deadlines are the deadlines. Whoever the developer is has to hit them. If Mr. Rodriguez's entities sell it somebody that the municipality approves, they have to hit the deadlines too. Unless and until it is sold, he has to hit the deadlines.

Mr. Reap stated he hasn't hit one yet.

Attorney Abraham stated I don't agree with that, but reasonable minds can disagree.

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

RESOLUTION: None

VOUCHERS: submitted by Steven J. Veltri, Esq. for attendance at the April 20, 2017, May 18, 2017 and July 20, 2017 Meetings in the amount of \$900; and submitted by Alaimo Engineering for attendance at the March 16, 2017 Meeting for \$190.

MOTION TO APPROVE VOUCHERS: made by Member Slater, seconded by Member Ryan. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Councilman Cortellessa, Members Platt, Spear, Ryan, Slater and Leonard.

MOTION TO ADJOURN AT 10:18 P.M.: made by Member Spear, seconded by Member Slater. Motion carried by a voice vote.

**Jennifer A. Fiorito
Planning Board Secretary**