

**REGULAR MEETING**

Meeting called to order by Vice Chairman Graceffo with a salute to the flag at 8:08 P.M.

**READING: Open Public Meeting Announcement**

This is the Regular Meeting of the Wanaque Planning Board and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends and the Herald News on February 26, 2014 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk

**ROLL CALL:** Vice Chairman Graceffo, Mayor Daniel Mahler, Councilman Dominick Cortellessa, Members Marc Demetriou, Kevin Platt, Mark Reuter, Michael Ryan and David Slater

**PRESENT:** Attorney Steven Veltri and Engineer Michael Cristaldi

**ABSENT:** Chairman Gilbert Foulon and Member Eugene Verba

**MINUTES:** from the April 17, 2014 Meeting

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

**COMMUNICATIONS REPORT:** Affordable Housing Report Prepared By Ken Albert

**NEW BUSINESS APPLICATION: 10-75 Emergency Lighting**

Property Owner: Haskell Properties, LLC, 16 First Avenue, Haskell, NJ

Property Address: 14 First Avenue, Haskell, NJ

New Tenant: Larry Kohan, 302 Haven Road, Franklin Lakes, NJ

Larry Kohan, owner of 10-75 Emergency Lighting, lives at 302 Haven Road, Franklin Lakes, NJ and Ryan Dye lives at 6 Winter Street, Oakland, NJ

Mr. Kohan stated we are an emergency vehicle outfitter. We put all the public safety equipment in vehicles, such as cameras, radios, lights, sirens, cages for police cars. We are a state contract vendor for New Jersey. Since 2007, we have been in Ringwood and have

outgrown our facility and have been in business since 2006. We will be occupying 7000 square feet of the building, and we have two overhead doors on our side of the building.

Vice Chairman Graceffo asked if any work has been started in the building? Mr. Kohan stated we have not, but the owner has.

Vice Chairman Graceffo stated there are inspections that need to be done before you occupy the site. Mr. Kohan concurred.

Member Demetriou questioned if they were going to have any hazardous materials? Mr. Kohan stated none. We are a clean operation, but will have a small wood working shop to build custom cabinetry for the backs of the fire and police vehicles. No motor work will be done.

Member Slater asked how many vehicles will be on site? Mr. Kohan stated we are probably going to have ten to fifteen vehicles on site, including employees (3 full time & 3 part time). The police and fire departments will drive up one or two vehicles at a time for work to be done.

**MOTION TO APPROVE WITH THE UNDERSTANDING THAT ALL INSPECTIONS MUST BE COMPLETE D BEFORE CO IS ISSUED:** made by Member Ryan, seconded by Member Platt. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Demetriou, Platt, Reuter, Ryan and Slater.

**APPLICATION #PB2014-01 “Greentree At Wanaque, II, LLC” Block 435, Lots 5 & 5.01**  
**Property Address: 86 Fourth Avenue**  
**Application For Preliminary Site Plan Approval**  
**Authorized Agent: Douglas Harris, Esq.**

Vice Chairman Graceffo advised that the public was notified that there would be a presentation on this application this evening; however, the Applicant was unable to advertise properly in the newspaper. The individual homeowners within the required distance were informed by certified mail, but it was not submitted to the newspapers for a legal notice on time. For this reason, the Board cannot hear this Application tonight and it will have to be rescheduled.

Attorney Veltri questioned the audience as to who was here for this Application and, although you were notified of a public hearing, there will be no testimony tonight, but do not leave because we are going to try and establish when the next meeting is going to be and you will not be re-noticed by certified mail. There will be a publication in the newspaper and that will be it so you will not be re-noticed by certified mail on this Application. We will make a general announcement tonight within the next twenty minutes on when the next hearing will be. Please stay around, but there will not be any testimony at all, just maybe general comments. However, if you have any questions, the Board cannot answer

them, but you can speak to the Applicant outside in the hallway tonight to try and clarify what is happening.

Doug Harris, Esq., attorney for the Applicant, stated that we will be happy to address any of the public's questions or concerns in the hallway. The Applicant would also like to request a Special Meeting for some time at the end of this month, if possible.

Attorney Veltri commented that I am available personally and will be here, but you need to publish for that meeting and if you are talking the end of the month, today is the 15<sup>th</sup>. Attorney Harris realizes that this notice would have to be published on the weekend. We are looking at the 27<sup>th</sup> or 28<sup>th</sup>, assuming these dates are good for the Board.

Attorney Veltri advised the Applicant that they need to speak to the Board Secretary regarding the fees for a Special Meeting.

Vice Chairman Graceffo advised that the Board will hear this Application on Wednesday, May 28, 2014, at 8pm.

Member Reuter questioned why are we doing a Special Meeting? Vice Chairman Graceffo stated it was because they did not advertise in a timely manner and they are asking us to work with them. The choice is to arrange for a Special Meeting which costs them additional monies or hold off to our next regular meeting.

Member Reuter questioned if holding off to June's meeting would cause a problem with construction or is there something else? Attorney Harris stated it is difficult for us timing wise.

Vice Chairman Graceffo is requesting that, even though our attorney said it would not be necessary, I think it would be important that besides it being advertised properly and in a timely manner and the Board has to advertise it also, that the public be re-notified. I am going to ask that you resubmit all the certified letters again to the people within that surrounding area.

Attorney Harris stated if the Board requires it, we are happy to do it.

Vice Chairman Graceffo stated that is what I am requiring.

Attorney Veltri, addressing the general public, stated that the Board is going to have a Special Meeting on this Application on Wednesday, May 28, 2014, at 8pm. You will be re-noticed based upon what the Vice Chairman just indicated, and it will be published in the paper. If you are interested in this Application, please attend at 8pm on the 28<sup>th</sup>, and then we have a Regular Meeting on June 19<sup>th</sup>. Unless this Application is completed on the 28<sup>th</sup>, we will probably be hearing it again on June 19<sup>th</sup>. I encourage you to come back and we will listen to you at those meetings.

Vice Chairman Graceffo is requesting at this time that Mr. Albert make his presentation on his report based on the COAH requirements as they have been presented by the State recently and how it impacts on the RSK Development Application.

**Ken Albert, Professional Planner - Report on COAH/Affordable Housing:**

Council on Affordable Housing has established rules and regulations for the past 20 years on what each municipality must provide in terms of affordable housing. Over the years, Wanaque has complied quite well and the things you have done over the last 15 years have worked very well. There were three rounds. The first round they assigned numbers to each community - you must provide a certain number of affordable housing units. The same thing with the second round which brings us to 1999, and then there was a third round. The third round they stopped assigning numbers and what they did was established what is called "growth share". If you build ten units, then a certain percentage of those units must be affordable.

There have been years of very active court actions and challenges that really ended up several years ago with it being declared unconstitutional and this year, as of April 30<sup>th</sup>, it has been sort of resolved. The resolution is that the growth share is out. No longer can you be held to a certain percentage of units that are built being affordable units. What the Supreme Court said to COAH is you go back and you establish in the same way you did in prior rounds, specific numbers for each community, and the Court also required COAH to submit comprehensive rules because it wasn't establishing rules. On April 30, 2014 COAH submitted rules, which rules are not adopted yet and they won't be adopted until public hearings occur and is scheduled to be adopted sometime in October. You can go online and view these rules and, in fact, they've established numbers and I have provided them to you. There are three components to what is required:

1. The rehabilitation share, which is also called the present need. Wanaque's rehabilitation shares are 125 units.
2. The outstanding prior obligation and that is what obligations you have from prior rounds. Wanaque's prior needs have actually been accounted for and, in fact, they owe you units.
3. The prospective need from 2014 until 2024, which is 27 units.

Even though Wanaque has met its prior obligations, the bad news is they zeroed everybody out. So if you built more than you were supposed to, you are zeroed out, no extra credit. All communities are starting from scratch.

In this round, they have analyzed, not only your need and your need is up there, it is in the hundreds, but they analyzed what they call "the buildable allowance". In other words, they looked at your available land and they said you can only build 27 units here. This is your prospective need.

**This is COAH today, but we are still going through three or more years of litigation on this. Fair Housing Council has already looked at it and said it is not enough. Other groups have looked at it and have said it is too much. There are some peculiarities in the regulations, such as, requiring a municipality to establish a financial viability. The implication is that, if a project isn't financially viable, that the municipality should change the density and maybe increase the density. Financial viability is established by experts and quite frankly you can get an expert to make a project financially viability or not; it is a lawsuit waiting to happen. It almost means every single affordable housing case will be a lawsuit. Clearly, there are going to be modifications to the rules and regulations. There are some difficult problems with the regulations as is. However, as they stand today as of April 30, 2014, Wanaque's prospective need is 27 units.**

**In addition to COAH, there is a parallel activity that the Planning Board must go through, which is to develop a Housing Element as part of the Master Plan. It is a state wide requirement for every municipality. The Housing Element essentially is a description of how you plan on meeting the COAH/Affordable Housing requirement. Regarding RSK Development, you have established that they have a requirement of 2 affordable housing units, and this protects you from what is called "a builder's remedy suit" because you have complied with COAH's requirements wisely, and you have developed and adopted a Housing Element as part of the Master Plan.**

**RSK Development is in your prior Housing Element for 2 units. In addition to that, it is consistent with the new regulations, which say that a town can prescribe one out of ten units being affordable in a project like RSK. In fact, that adds up because there is a fractional component between one and two units. You have a right to require RSK to have two affordable units and you probably want these units because, however the affordable housing requirements evolves, you are going to have a requirement and this will help you meet it and certainly protect you in terms of all the legal impediments that could occur. Here you are with a project that is required in your prior Housing Element, which is the current Housing Element, for two units and it is consistent with the 10% requirements in the current rules so I would suggest to you that you probably want to keep that requirement intact.**

**Basically, I have given you a history in a nut shell of COAH and our current state of affairs. Again, everything I am saying has a little bit of speculative aspect to it in that it is going to change every day, but in October 2014, given the court's persistence, it is very likely that rules will be adopted. They may be modified somewhat, but basically what I am saying to you is going to be adopted in October and you will have to live with it.**

**Mayor Mahler questioned Mr. Albert on the 10% issue. What happens if someone has a small development, five or ten units? Mr. Albert stated it is not a growth share. The 10% is tricky because it sounds like the growth share. It was, prior to April 30<sup>th</sup>, the requirement that what you built certain percentages had to be affordable. Now it is 10% can be affordable. You can have developments with no affordable housing and that is your choice. Sooner or later you are going to have to redo that Housing Element and I would**

suggest you want to wait until the “smoke clears” and that is going to be a few years, to correspond to the new rules. Right now you have these units that you must build, but COAH doesn’t say where you have to build them any more like it used to.

Mayor Mahler questioned if we could build the units in another town? Mr. Albert stated that RCA’s are no longer legal. So you can’t build them in another town, but you can take funds and fund projects that appeal to the town, whether it is special needs housing, or senior housing, as long as it is affordable. You can still do contributions. You already have a trust fund and can build on that, and even though I sit on the State Planning Commission, I don’t know when the trust fund will be released.

Councilman Cortellessa questioned that the Borough has a commitment of 152 units to 2024? Mr. Albert stated we have a Rehabilitation Share of 125 and Prospective Need of 27. Councilman Cortellessa also questioned that senior housing and special needs housing could be applied to those numbers? Mr. Albert stated, if it is affordable, absolutely. In fact, you get extra credits under the affordability controls for special needs housing, which means it is not a one-for-one, it is better than that.

Councilman Cortellessa questioned if we have special needs housing in town already, do we get extra credits for that going forward? Mr. Albert stated if you already received credits, and I suspect you have, the answer is “no”.

Mayor Mahler stated if it is approved, but not built, we probably could get future credit. Mr. Albert answered “absolutely”, when you build it.

Vice Chairman Graceffo, referencing the Rehabilitation Share of 125 units, asked if builders would contribute to that to get their shares? Mr. Albert responded “yes”. There are many ways to achieve that including, as developments come forward, having them contribute to a trust fund that will then be dispensed in a legal manner to people who have existing affordable units. You have an inventory in town of affordable units. Some of those are reaching their end of life, in terms of rehabilitation needs, code violations. You can contribute to those and historically there has been a minimum amount and get rehabilitation credit for those units. I have not explored what your inventory or the ways we can satisfy the rehabilitation needs, but I will be happy to do so. However, that is also going to change because the numbers are going to change.

Vice Chairman Graceffo questioned where we have buildable requirements, can that be traded off into rehab units by contributions? Mr. Albert stated “no”.

Vice Chairman Graceffo questioned any new buildable site is required to have 10%? Mr. Albert stated “no”. You are required to have 27 units through 2024 and the regulations are silent on whether they are to be on site or off site.

Mr. Albert, referencing the rehabilitation issue, stated you should not be overly concerned with that. If you have an inventory of 100 COAH units in town, and I suspect that you are in and around that, I can give you about 60, you can’t rehabilitate units that don’t exist. So I think there are ways to address the rehabilitation share that will satisfy your needs. It is really that perspective need, the 27 units, that I see is good news. That could have been 150.

**Councilman Cortellessa understands that it is up to the Planning Board to decide whether a particular development has any COAH units at all and that we can make that decision as long as, over the ten year period that we have left, we get the 27 units. Mr. Albert stated “yes”, but there is a methodology you have to use, which is similar to what you have done in the past. In a few years, you are going to have to develop a new Housing Element to protect yourself and then you are going to have to follow that so you are not going to have total free reign for that ten year period. If you ever approve a large development of 350 units, COAH could revisit the numbers. You also don’t want to randomly address developments differently so you do want to establish some consistency for any new developments coming in.**

**APPLICATION #PB2013-03 “RSK Development, Block 240 Lots 14, 14.01, 14.02**

**Property Address: Mountain Avenue, Wanaque, NJ**

**Application For Amended Site Plan Approval**

**Authorized Agent is A. Michael Rubin, Esq.**

**Member Michael Ryan recused himself from this application and moved to the audience.**

**Michael Rubin, Esq. of 1330 Hamburg Turnpike, Wayne, New Jersey, has represented the Applicant during the original application and this amended application.**

**Attorney Rubin stated the Board reviewed the engineering and the architectural basis of the application at the prior meetings and the only issue that was left outstanding to be resolved this evening was the affordable housing component of this plan. As you know, we originally had an 18 unit proposal and at the last public hearing that we had the owner agreed to reduce that to a 12 unit proposal and a plan was submitted. Besides Mr. Albert finding out that two affordable units were acceptable for this site, the owner went directly to COAH himself and spoke to them and confirmed that two affordable housing units was acceptable for this site. The question has arisen, and alluded to in Mr. Albert’s report, as to whether the affordable units should be on site or off site. Quite frankly, we would like to have that issue held in abeyance. We would like the approval for the 12 units on site; however, if during the course of events in the next several months we find that it might be more advantageous to put the affordable units off site, that is something the applicant would like to do. In the event that there is a Resolution of approval, and thereafter, a Developer’s Agreement, we would like the opportunity to keep it in the alternative, either on site or off site, knowing that there are 2 affordable units that have to be constructed according to the rules at that time.**

**The application is complete, the witnesses have spoken and the only thing that is left for the Board to determine is the two affordable units with the admission that they have to be built and we are respectfully asking that they be left on site or off site. However, we do know that you are not going to and no one is going to let the market units be completed until the**

affordable units are built and co's obtained in order for the market rate units to get their co's.

Mayor Mahler questioned Mr. Albert on affordable housing that there was something in the past where there were restrictions on what you could call senior citizen affordable housing, is that still in effect? I am talking about senior citizens in general and what about restricting it to residents? There are more developments coming into town and if were able to build 27 affordable units over time and had people contribute as they built them, but I think there is a need for senior citizen affordable housing and restrict it to senior citizens and residents. Can we do that? On residents, Mr. Albert believes you cannot do that restriction, but would have to explore that because it is almost a legal issue. However, you can, in fact, build senior affordable housing and get credit for it.

Mayor Mahler stated there are a lot of seniors having financial problems. Pompton Lakes has a big senior housing but it is more of a high rise type of development. I am thinking we might be able to find a piece of property in town to build our own. Mr. Albert stated how you populate that is one issue and you may be able to give advantages to residents, but I don't think you can restrict it to residents only.

Vice Chairman Graceffo questioned that this concept would still allow us to meet that 27 number and allow developers to come in and contribute to that site to gain those 27 and at that same they can protect themselves by having market available units. Mr. Albert stated "yes".

Mayor Mahler commented that if we had a project such as RSK where there is 10 and 2, and we came up with a plan to build 27 somewhere else in town and we proposed that we would allow them to build 12 market units, but you have to contribute whatever our estimated cost of 2 units at this other site is, would that be acceptable? Mr. Albert stated, the problem is with the state of affairs of COAH, it is very hard to predict. The only thing I was trying to preserve was you do have a Housing Element and, as much as that is going to go out the window in two or three years, you are going to have to produce another one and I was just trying to preserve that for you in terms of this RSK development.

Mr. Albert stated, if you do approve the RSK application, I would strongly suggest to you that you place certain conditions on it, if in fact you do decide to have them responsible for the two affordable units and I would suggest to you that they could always come back and revise that as other projects come to the fore that might satisfy the affordable housing.

1. The one thing you want is, if they do the affordable housing off site, you really don't want them to do that in any of your redevelopment areas because you want to leave them intact for whatever redevelopment projects you have on the books and you have a few so I would restrict that.

2. I would also condition that the 2 units be on a single property.

3. I would restrict them from having the affordable units on Ringwood Avenue.

4. I would have the affordable housing units correspond to the Uniform Housing Affordability Controls. The reason for that is they have a distribution responsibility of low and moderate that has nothing to do with us, but in order for them to be qualified affordable units, they have to follow those rules and these rules are not

changing. The Affordability Controls tell you if you build two units, how many have to be low income and how many have to be moderate income.

5. Having off site units is not a bad thing for the town and can be very positive because what is likely going to happen is that the developer will purchase a house that really needs rehabilitation, not in the sense of affordable units, but a house that is less expensive and you would retain control, that is, if they build them off site ask them to return to the Board to review what the level of rehabilitation is. You certainly don't want deteriorated housing to be occupied as an affordable unit and the developer would have an obligation to upgrade it. You should really have a chance to review those units if, in fact, they want to use off site units.

These are my suggestions in any authorizing Resolution.

Attorney Rubin commented that, so the record is complete, those five items that Mr. Albert just mentioned were in his report dated May 15, 2014 and we had a chance to review it before the hearing, and we have no problem with them.

**MOTION TO OPEN THE MEETING TO THE GENERAL PUBLIC TO SPEAK DIRECTLY ON THIS PARTICULAR APPLICATION:** made by Member Slater, seconded by Member Reuter. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Demetriou, Platt, Reuter and Slater.

Grace Maiello, 26 Rhinesmith Avenue, Wanaque

I didn't attend an additional meeting, the last meeting I was at this project was going to be 18 units and it is now down to 12, are these units going to have more space, how many bedrooms?

Attorney Veltri answered that there are going to be 6 buildings with 2 units in each building – 1 three bedroom unit and 1 two bedroom unit. The three bedroom unit is going to be approximately 1750 square feet and the two bedroom unit is approximately 1375 square feet. They did reduce the parking to 34 spaces on site. Initially we had four affordable housing units on site, but we are thinking, subject to the Board's approval and Mr. Albert's recommendation, to have two affordable units either on or off site.

Let the record show that no one else stepped forward.

**MOTION TO CLOSE THE MEETING TO THE GENERAL PUBLIC TO SPEAK DIRECTLY ON THIS PARTICULAR APPLICATION:** made by Member Slater, seconded by Member Reuter. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Demetriou, Platt, Reuter and Slater.

Attorney Rubin stated that our application is complete.

Even though the public portion is closed, the Board allowed Olympia Luciani of 11 Belmont Avenue, Wanaque, to speak. Mrs. Luciani's mother lives on Colfax Avenue and owns the property next to the development. What protection does she have as resident's coming walking through the woods that borders her property or walk through her

property, is there going to be any fencing? Vice Chairman Graceffo stated obviously people just can't walk on your property, that is trespassing. Mrs. Luciani missed the last meeting and questioned is there going to be any blasting since that whole property is all rock? Vice Chairman Graceffo stated whatever is required for the construction and, if there is blasting that is required, it is controlled by our codes within the community and state law. If that was the case, there would have to be inspections of your property before blasting and after blasting. Any noted issues or problems, you would have the right and recourse to have them fix it. This would all be for your protection, so that would not really be a major issue as far as I can see. The builder still has the right to build and if he has to blast to put in foundations, he has to do it but he has to make sure he protects the surrounding public.

Vice Chairman Graceffo stated, at this point, what I would like to do is get a Motion on the floor as to whether or not this application is approved and I would like Attorney Veltri to put together the actual Motion we are going to be voting on.

**MOTION TO APPROVE:** made by Councilman Cortellessa, seconded by Member Slater.

**MOTION TO APPROVE AN AMENDED SITE PLAN APPLICATION WITH ATTENDANT VARIANCES AND THE VARIANCES ARE DISTANCE BETWEEN BUILDINGS 40 FEET REQUIRED AND 10' 6" PROPOSED, DISTANCE OF BUILDING TO INTERNAL ROADWAY 40 FEET REQUIRED AND 14' 11" PROPOSED; SPECIFICALLY THE AMENDED SITE PLAN AMENDS A PRIOR APPROVAL FROM DECEMBER 2003 TO CONSTRUCT 18 RESIDENTIAL TOWNHOUSE UNITS THE AMENDMENT IS DOWN TO 12 UNITS IN 6 BUILDINGS WITH 2 UNITS IN EACH BUILDING AND ON SITE THERE WILL BE 6-THREE BEDROOM UNITS AT APPROXIMATELY 1750 SQUARE FEET AND 6-TWO BEDROOM UNITS AT APPROXIMATELY 1375 SQUARE FEET ALL CONTAINED IN A SITE PLAN ENTITLED "RSK DEVELOPMENT, LOT 14, BLOCK 240, DRAWN BY JOSEPH G. MARRA, ARCHITECT/PLANNER DATED APRIL 6, 2010 AND ALSO A LANDSCAPE PLAN ATTACHED TO THAT CONSISTING OF TWO PAGES; THERE WILL BE 34 PARKING SPACES ON SITE; THE AFFORDALBE HOUSING UNITS WILL BE AMENDED FROM 4 UNITS TO 2 UNITS; AND APPROVE THIS SUBJECT TO THE FOLLOWING:**

**THE BASIS OF THE APPROVAL OF THE VARIANCES WOULD BE ON A FLEXIBLE SEE APPROACH AND WE ARE GRANTING THE VARIANCES BASED UPON THE AMOUNT OF BUILDABLE AREA THAT THE APPLICANT HAD BASED ON THE BUFFERS AND LANDSCAPE REQUIREMENTS GIVEN TO THE APPLICANT BY THE HIGHLANDS WAIVER APPROVAL AND BASED UPON THE SPACE AVAILABLE, WE FELT THAT THE VARIANCES WERE WARRANTED.**

**THE CONDITIONS WOULD BE AS FOLLOWS:**

**1. THAT ALL THE CONDITIONS AND SPECIAL CONDITIONS SET FORTH IN THE HIGHLAND AREA WAIVER APPROVAL DATED OCTOBER 14, 2011 BE COMPLIED WITH, UNLESS THEY HAVE SPECIFICALLY BEEN**

**OVERRIDEN BY THIS SITE PLAN, AND THE APPLICANT DID TESTIFY BEFORE THE BOARD THAT IT DID CONTACT RICHARD C. REILLY FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND BASED UPON MR. REILLY'S RESPONSE THAT HE DID APPROVE OF THIS AMENDED SITE PLAN THAT WE ARE VOTING ON TONIGHT.**

**2. THAT ANY AND ALL CONDITIONS IN THE PREVIOUS DEVELOPER'S AGREEMENT BETWEEN THE APPLICANT AND THE BOROUGH OF WANAQUE, AND THE PLANNING BOARD RESOLUTION BETWEEN THIS BOARD AND THE DEVELOPER WILL BE IN FULL FORCE AND EFFECT UNLESS THEY HAVE BEEN SPECIFICALLY OVERRIDDEN BY THIS APPROVAL. THERE ARE A LITANY OF CONDITIONS, INCLUDING BLASTING, AND THINGS OF THAT NATURE THAT WE HAVE ALREADY DEALT WITH BACK IN 2003 AND 2004 AND I DON'T THINK WE NEED TO RECITE THEM VERBATIM TONIGHT. ALL OF THOSE CONDITIONS ARE STILL CONDITIONS THAT THE APPLICANT NEEDS TO MEET.**

**3. SUBJECT TO ANY CONDITIONS AND RECOMMENDATIONS IN RICHARD A. ALAIMO'S ENGINEERING REPORT DATED MARCH 13, 2014.**

**4. ANY CONDITIONS AND RECOMMENDATIONS IN KEN ALBERT'S REPORT DATED MAY 15, 2014, SPECIFICALLY WITH REGARD TO THE CONDITIONS AND RECOMMENDATIONS FOR ANY OFF SITE UNITS THAT HE RECITED VERBATIM ON THE RECORD TONIGHT AND ATTORNEY RUBIN AGREED TO.**

**5. WITH REGARD TO THE AFFORDABLE HOUSING UNITS, A CONDITION THAT THE AFFORDABLE HOUSING UNITS MUST BE BUILT AND CO'S ISSUED PRIOR TO ANY MARKET UNITS RECEIVING CO'S FOR SALES BECAUSE WE WANT TO BE SURE THAT THESE UNITS ARE BUILT AND ARE ACCOUNTED FOR EITHER ON SITE OR OFF SITE PRIOR TO MARKET UNITS BEING SOLD.**

**6. A NEW DEVELOPER' AGREEMENT BETWEEN THE DEVELOPER AND THE BOROUGH OF WANAQUE ON ANY AND ALL OF THESE OTHER ISSUES THAT WE ARE DISCUSSING AND AREN'T COVERED IN THE PRIOR AGREEMENT.**

**Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Demetriou, Platt and Slater. Voting no was Member Reuter.**

**PUBLIC DISCUSSION: Let the record show no one in the audience came forward.**

**RESOLUTION: None**

**VOUCHERS: submitted by Steven Veltri, Esq. for attendance at the April and May meetings in the amount of \$600.**

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

**MOTION TO ADJOURN AT 9:15 P.M.: Motion carried by a voice vote.**

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**Jennifer A. Fiorito**  
**Planning Board Secretary**