

**REGULAR MEETING**

Meeting called to order by Chairman Foulon with a salute to the flag at 8:05 P.M.

**READING: Opening 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:** Chairman Gilbert Foulon, Mayor Daniel Mahler, Councilman Dominick Cortellessa, Members Marc Demetriou, Kevin Platt, Mark Reuter, Eugene Verba and David Slater

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

**ABSENT:** Vice Chairman Graceffo and Member Michael Ryan  
Councilman Cortellessa arrived at 8:15pm

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

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

**COMMUNICATIONS REPORT:**

**Ordinance 11-0-14:** Voted on Recommendation at July 17<sup>th</sup> Meeting.

**Ordinance 15-0-14: Ordinance Clarifying The Redevelopment Plan Established in Ordinance No. 5-0-14 Creating the Fourth Avenue Residential Overlay Zone (FAR) Consistent With The Fourth Avenue Redevelopment Plan So As To Provide Herein Certain Plan Clarifications**

Mayor Mahler stated that basically this Ordinance clarified a couple of issues. There was an issue about the 10% variance on height so rather than have an argument about it, we wrote something to be specific. The other item was about the surface area of the retention basin. There were some items that were a little cloudy so we decided to do an Ordinance to clarify these issues.

**MOTION FOR RECOMMENDATION TO THE MAYOR AND COUNCIL FOR APPROVAL OF ORDINANCE NO. 15-0-14:** made by Member Slater, seconded by Member Platt. Voting yes were Chairman Foulon, Mayor Mahler, Members Demetriou, Platt, Reuter Verba and Slater.

**Meyer-McCrum-Kennedy Minor Subdivision Application PB2011-08**  
**Application Approved January 19, 2012 & Resolution Approved March 15, 2012**  
Chairman Foulon advised the Board that we gave an approval in January of 2012, and the time for filing the subdivision map with the County Clerk has expired so we have to re-approve the application.

Chairman Foulon asked Donald McCrum to put the on the record what he would like the Board to do tonight.  
Mr. McCrum stated basically the application was approved in 2012 with the recommendation to prepare whatever documents the Board Engineer required. He wanted a map and all the metes and bounds. I took a year to get final approval for everything on the map. I didn't know we only had 90 days from the Board's approval to file the map so when I went to file the map, the Clerk's office told me it was outdated and I had to have it approved within 90 days.

Attorney Veltri would like to put a few things on the record. We do have a letter from Mainardi & Mainardi dated September 19, 2014, which says that the subdivision was not perfected within the 90 days required and that you are requesting that we re-approve and re-date the map so that you can re-record. Mr. McCrum stated that is correct.

Attorney Veltri swore in Donald McCrum  
Attorney Veltri questioned if anything has changed on the map that is in front of us tonight compared to the map that was approved in January of 2012? Mr. McCrum stated some of the metes and bounds may have changed by my surveyor based on the Board Engineer's recommendations. Mr. McCrum agreed that everything is in accordance with the prior approval and nothing has been altered from the prior approval.  
Attorney Veltri questioned the sole reason you are here tonight is to try to perfect the subdivision in accordance with the law. Mr. McCrum stated "correct".

Since there were questions about how to date and sign the map mylar, Attorney Veltri stated that we can do this two ways: (1) submit a new mylar for signature; or (2) your attorney can direct us on how he wants us to alter this mylar, but the date will be tonight if it is approved by the Board. If you need a Resolution, you are going to have to provide escrow.

Mr. McCrum thought his attorney, in the letter, asked to have it re-approved it tonight. Chairman Foulon stated he did; however, the date on the mylar that we have is January, 2012. Mr. McCrum stated can't you sign that re-approved on tonight's date. That is what I was under the impression was going to be done.

Chairman Foulon: Is there anybody in the audience interested in discussing this particular none? No one came forward.

Attorney Veltri stated the re-approval would be whatever else the Board would want, but certainly any prior conditions from the prior approval will be re-instituted for this approval and you will have to comply with everything. Mr. McCrum agrees to this.

Engineer Cristaldi stated it is a map filing law. There is a procedure that is written out in law and he has to comply with. It is not our standards.

Recommendation is to have Attorney Mainardi check with the Clerk's Office as to exactly how they want the mylar altered so it can be filed. Attorney Mainardi can send a letter to the Board's Secretary with the instructions and the Chairman will sign it.

**MOTION TO RE-APPROVE:** made by Member Reuter, seconded by Member Demetriou. Voting yes were Chairman Foulon, Mayor Mahler, Members Demetriou, Platt, Reuter Verba and Slater.

**ENGINEER'S REPORT:** No new applications

**RESOLUTIONS:** Application #PB2014-1 Greentree At Wanaque, II, LLC, Block 435, Lots 5 and 5.01, Fourth Avenue, Haskell, for Preliminary Site Plan Approval to construct a 76 unit residential townhouse/condominium development on site to be known as Lakeland Village At Wanaque with attendant deviations from the Redevelopment Ordinance.

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

**VOUCHERS:** Submitted by Steven Veltri, Esq. on the Greentree At Wanaque, II, LLC Preliminary Site Plan Application in the amount of \$1,760; and for attendance at the June, July and September meetings for \$900.

Submitted by Alaimo Engineering on the Greentree At Wanaque, II, LLC/Lakeland Village Preliminary Site Plan Application in the amount of \$7,056.95.

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

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

Douglas Harris, Esq. introduced David Gunia to give testimony regarding the revisions to the site plan as per our last meeting. I will also be introducing Mr. Robinson, our environmental engineer, to give testimony.

Attorney Veltri swore in:

Sebastiano Pulvirenti, Challoner & Associates LLC, Site Engineer  
David Gunia, Division President of Greentree Development Group  
Andrew Robinson, President, Groundwork, Inc.

David Gunia testified that the most notable change to the site plan is the reduction of the unit count from 84 to 76. We have accomplished that by reducing Building #5, which was 12 units down to 8 units, and Building #4, which was 24 units has been reduced down to 20 units. In total we have three elevations: Type A which is an 8 unit building; Type B which is a 12 unit building; and Type C which is a 20 unit building, and those elevations are as previously noted on an exhibit introduced at the preliminary hearing.

Mr. Gunia testified that the new plan has passive recreation added. We now have a gazebo, a dog walk area immediately adjacent to Building #5, and a walking path which begins at the entrance from Boulevard and runs along the back of the retention basin and along the side of Building #6 all the way up to the entrance from Fourth Avenue.

Mr. Gunia testified that the parking was amended to 186 spaces. RSIS requires 2.33 spaces per unit, which would yield 157 spaces, and we are 29 spaces over which are required. This was done to accommodate for some of the passive recreation and also to keep in compliance with the impervious coverage standards which is 60%.

Mr. Gunia testified that with these changes and reductions in building size and reduction in asphalt, we are now in compliance at 59.2% impervious coverage and previously we were at 63%.

Because of the Fire Department’s recommendations, Mr. Gunia stated we have added additional fire hydrants at both entrances to the project.

Attorney Harris, referencing Engineer Cristaldi's letter dated September 17, 2014, questioned Mr. Gunia if there are any items that the Engineer is asking for that the developer had an issue with or finds that they can't comply with?

Mr. Gunia stated he will go through page 2 and clarify the elevations on the architecture. Elevation Type C is on the drawing and Elevations Type A and B are the lower pictures and should satisfy the bold comment under B.

Engineer Cristaldi commented that he was asking really was that you revised the architectural plans that you submitted. That is the rendering you are point to.

Mr. Gunia stated it is the rendering and specifics elevations would be included on the construction documents, which will be submitted.

Engineer Cristaldi wants the actual drawings to be revised. Mr. Gunia stated "yes, the drawings will be revised."

Mr. Gunia wants to clarify the comments regarding the passive recreation. The RSIS requirement for this site would be .47 acres of passive recreation. Our engineer has graded .62 acres of passive recreation.

Attorney Harris wants to discuss this further. Engineer Cristaldi's letter seems to say that the passive recreation on site .29 acres, but we think that is only the new area of passive recreation and that does not included what already existed on the plan. The way you are getting the total passive recreation area is adding the two areas together. Mr. Gunia stated "that is correct". Engineer Cristaldi agrees with this.

Mr. Gunia continued, referencing page 5, and the comment "the applicant must show where the drainage behind the retaining wall will discharge." Our engineers have basically extended the stone footings to the outside of the wall, which are designed to capture rainwater and surface water, travel it into the french drain, which runs behind the wall, and dissipates into the earth. This is on the site plan and will be on the construction details provided by the retaining wall designer, which will also match to the detail on the site plan that shows the french drain impeded in stone behind the wall.

Engineer Cristaldi stated you can pipe it so that it can discharge someplace at one end or the other. That is what I was trying to address since I just don't want an open discharge into some other property from behind the wall because it will become a point discharge from what was there now. Either we get it out to a drain or some kind of positive drainage. Mr. Gunia stated we do have inlets that exist behind the wall, which perhaps we can tie the french drain into the onsite storm collection system. I will talk to our engineers for their expertise. Engineer Cristaldi stated that is fine as long as we walk that out. Mr. Gunia stated we are in agreement to work it out to satisfy the concerns of the Board Engineer.

Mr. Gunia, on page 7, stated we are in agreement to provide a sample of the "truegrid" materials described that will be used in walking path. It is a pervious material and a percent of it might be impervious. Our engineers will submit specifications.

Engineer Cristaldi questioned what will the path look like? Mr. Gunia stated the path will look like crushed stone and it will be a neutral earthy color.

Engineer Cristaldi questioned if he got the number of bedrooms correct as listed on page 6 of his letter? Mr. Gunia stated that the bedroom numbers were all correct.

**Engineer Cristaldi noticed that the two refuse locations are by the one building that is on Fourth Avenue, but there is that other building right behind it that also has ten units with no garages. Those people will have to walk all around to the front of the other building to throw their garbage into a dumpster. I believe you should probably put one collection spot near the one building, and one near the other because those are the only two buildings where there will be residents with no garages. Mr. Gunia stated we can accommodate that. Attorney Harris stated we will put something on the plan to make sure it meets your approval.**

**Engineer Cristaldi questioned you will be removing snow from the site? The Borough is going to plow the roadways and will probably push all the snow into your parking spots. I know there was some discussion to put the snow in the retention basin, but I really don't think that is a good idea. You should get rid of the snow once the Borough clears the roadway.**

**Mr. Gunia stated the Association is going to be responsible for managing the onsite snow removal. Obviously, we will do what we have to make sure they comply with removing the snow from the community. Once they have maxed out any locations that deal with traffic and parking, they will have to remove that. They did it at the Parkside development last year. Attorney Harris stated we can put this into the By-Laws of the Association.**

**Engineer Cristaldi questioned the locations of the banks of meters (gas, water,)? Mr. Gunia stated that some of the meters are going to be on the inside of the building like Buildings #3 and #4. The stacked townhouses will have the meters on each end of the building. We will do our best to make sure that they are in between the buildings and out of sight. This will be addressed when we work with JCP&L and the gas company on their infrastructure design.**

**Mr. Gunia also stated we have reviewed the site plan with the garbage department and there were no issues with the turning radiuses.**

**Mr. Gunia, referencing the last comment on page 8 on the DEP letter, stated that the actual letter will come from our LSRP to be in the form of a Remedial Action Outcome and Mr. Robinson will discuss this issue.**

**Lastly, Mr. Gunia stated that the Planner asked to increase the height of the vegetation behind Buildings #4 and 5 where the property abuts the residences, and on the site plan we have added vegetation and increased the height.**

**Engineer Cristaldi stated that the developer is going to have to have an engineer design the walls. After they are constructed, he should have inspected them and certified that they are built in accordance with his design by Certification. Mr. Gunia agreed.**

**Engineer Cristaldi, referencing the entire fill that is being brought into the site, stated there has to be some type of Certification of where the material comes from and what the quality is so that we don't have bad material coming in.**

**Mr. Gunia stated the LSRP is enforcing that requirement and any material that has been imported, has been certified clean.**

**This concludes Mr. Gunia's testimony. Board Members had no additional questions.**

**Chairman Foulon: Is there anyone in the public wishing to address any questions to this witness, please step forward:**

**Stephen Duddleston, 11 Second Avenue, Haskell**

**Regarding the french drains, I am on the end and my property is the lowest and I am worried about surface water on heavy rains coming into the back of my property. Instead of just dissipating, I do like the Engineer's idea that they be tied into a regular catch basin. Mr. Gunia stated they have no issue with making sure that any water that collects at the base of the retaining wall be collected on our site. As relates to the surface drainage, we do have the surface drainage draining away from the back of the wall. Inlets that are placed in between the back of the wall and the back of Buildings #4 and #5 will collect all of the surface water that falls on our site. Specifically, there is a 5' area that exists between your property line and the back of the wall and that area will have a stone collector beneath the surface so the surface drainage will fall into that stone, be collected through the french drain and we will work with the Board's Engineer to make sure that water either drains into an inlet and hopefully be carried to our basin, or in some other fashion, but keeping it on our property.**

**Mr. Duddleston stated he liked that and thank you.**

**Dave DaSilva, 108 Monroe Street, Haskell**

**In reference to the retaining wall, and in previous hearings, the gentleman that was speaking about the blocks was saying they were going to be connected with a plastic clip and not an adhesive. It would seem that when you are getting to that height, there should be something other than a plastic clip holding the blocks and all that material back. Mr. Gunia stated that the wall is designed to include a very high strength plastic pin that is approved for walls of this nature. Those details and specifications will be submitted to Alaimo Engineering for their approval, but that is the connector system that is more the standard with that type of block. We are going to be using an E.P. Henry System, which his used in walls in heights of excess of 30' with the same connection pin. There is also a geo grid system that will be laid in between over the pins in between one or two layers of the block at different heights.**

**Robin Wilkins, 9 Red Oak Court, Haskell**

**I live in the Parkside Development that they previously built. My questions for you are what ramifications will you have for the builders or developers if they do not follow through with what they advised or promised?**

**Attorney Veltri advised that we are not an enforcement board. We try to outline in our Resolutions what the conditions are and that is supplemented by a Developer's Agreement with the Municipality and if the developer is not following through with those recommendations, the Building Inspector goes out and issues summonses and either the**

**work is stopped and rectified or the developer has to appear in municipal court and they will be penalized by the municipal court judge, depending on what the violation is.**

**Applicant's next witness is their Environmental Expert, Andrew W. Robinson, LSRP, Groundwork, Inc., 166 Bloomfield Avenue, Verona, NJ. I am the owner of Groundwork, Inc., a small consulting firm. I am a licensed site remediation professional, which is a license given to me by the Department of Environmental Protection in Trenton, which documents all sorts of experience dealing with regulations, site investigations and remediation. I have been in New Jersey's environmental industrial for 29 years.**

**Mr. Robinson testified as follows:**

**As you well know, the U.S. Aluminum site was involved in pulverizing aluminum. I know the site from the ground down since we do a lot of sampling of materials and analysis. Most of you know probably know it from the industrial past. Greentree, as well as the DEP, has put their trust in me to bring this site to an acceptable level for residential redevelopment. In doing so, we are continuing sampling and analyzing soils, the concrete that has been crushed, imported materials and we're reviewing stacks and stacks of data that give us an increasingly comfortable level of faith that within 60 days we will be bringing this site and documenting all of our activities in its investigation and remediation towards an acceptable residential development.**

**Chairman Foulon questioned if he had taken samples of the neighboring properties and if he thought there was any leakage or seepage to the neighboring properties? Mr. Robinson stated "no, I have not and we haven't seen any data that would suggest offsite migration of contaminants."**

**Chairman Foulon questioned what is in the ground? Mr. Robinson testified that we are finding trace amounts of metals, specifically, leads and there is some aluminum, but they are very, very low levels.**

**Councilman Cortellessa questioned when you do that analysis, how do you address the entire site? Do you do components, do you grid the site? Mr. Robinson stated a little bit of both. We don't necessarily grid the site. We've reviewed the practices that U.S. Aluminum instituted during their process and every one of those processes can be considered what we call "an area of concern". So once that process is identified, we determine what was utilized in that process; whether it was solvents, heating oil in a boiler room, other metals that might have been investigating for their processes during the time they were pulverizing this aluminum dust. Everything that H2M, the previous consultant working on behalf of U.S. Aluminum, did identify numerous areas of concern. Those were analyzed and a great many of them were remediated because they were in need. Remediation means that sample soil, if it doesn't meet the criteria you want to meet, you dig it up and dispose of it. That is pretty much the bulk of what we are doing. Insofar, as a grid approach, we don't really call it a grid. If a grid is the table on the left and the right table on the right, we are more concerned with what happened on the left table and what might have been released during those activities and then we take that the right table, although they look**

similar, maybe different activities were performed at those two tables, and they have to be looked at individually.

Councilman Cortellessa questioned if you could get the information that says what was done in different areas? Mr. Robinson stated that we get the information from U.S. Aluminum, from the record, from H2M and the Department of Environmental Protection. Councilman Cortellessa questioned how deep do you go? Mr. Robinson stated we start at the surface. We sample a plethora of concrete samples because as the buildings were razed our next concern is the underlying concrete. We want to make sure that the concrete is either suitable for offsite recycling or onsite re-use. We've sampled and analyzed that ad nauseam and then literally as those pads were being broken up and left in place, then we were analyzing the soils directly beneath that concrete to represent a worse-case scenario of anything passing through the concrete in the past because concrete is quite porous. We dig down until we find no more contamination.

Councilman Cortellessa questioned how do you remediate all this? We replace it with clean soil, but it is easier to document virgin stone product imported from a quarry where we know the block and lot, municipality and county of its origin. It is transported to site directly.

Chairman Foulon questioned if they were removing any soil? Mr. Robinson stated "yes, we are". We are going to be removing plenty of soil.

Councilman Cortellessa questioned, in the areas that are closer to the property lines, do you go outside those areas? Mr. Robinson stated we have not. We haven't found any need to.

Engineer Cristaldi stated he is probably obligated to just do his own property. Are you sampling anything around the perimeter of the property? Mr. Robinson answered no we haven't yet. We weren't thinking about it. A lot of the low level contaminates we found are fairly immobile in the subsurface.

Attorney Veltri questioned, Where are you in your investigation? Are you done with your sampling, are you in the beginning or middle of it? Mr. Robinson stated we are near the end.

Attorney Veltri, so the record is clear, I have not seen any environmental documents at all on this. Has the DEP been notified, how does the process start and what, if any, documents do you have from the DEP at this point. Mr. Robinson stated we are receiving documents from the DEP that we have requested under the Open Public Records Act.

Attorney Veltri questioned when did your investigation start? Mr. Robinson stated we poked around a little bit in the former central area where there was a septic field in the middle of 2013.

Attorney Veltri questioned when was the DEP put on notice that you were investigating this site for this purpose that we are here for tonight? Mr. Robinson stated that the DEP has been put on notice that there has been an ongoing investigation since 2005.

Attorney Veltri questioned are they are notice now that this site is being considered for a residential development. Mr. Robinson is not really sure. I have not notified them of such.

**Attorney Harris asked Mr. Robinson to walk us through what needs to be done so that a residential development can be built on the site and with some time frames. Mr. Robinson stated our site assessment and remediation is nearing completion.**

**Mr. Robinson explained that what we do is assess the historic activities on properties and this is what we do no matter where we are. As we do that, we establish historic practices. As we go through this investigation we sample and analyze materials and, in this case, primarily soil and the overlying concrete, for this constituents that are most probably having been released from those previous industrial activities. There are criteria set forth in New Jersey Environmental Law that delineate acceptable levels of contamination. In order to close a case, and for U.S. Aluminum to essentially walk away from this property, they have to comply with one very important law called the Industrial Site Recovery Act “ISRA”. In order to do that, a preliminary assessment has to be completed, which H2M was doing. They have a bunch of preliminary investigations in Trenton that they have submitted so the DEP has none for many years that U.S. Aluminum has ceased operations on site and they cannot leave this site until these criteria have been met. As we investigate this site, we are taking all of these data (laboratory information) and we are literally comparing it to the standards that the DEP has put forth under law. Whether we want to make this another aluminum pulverizing plant under Greentree Aluminum Dust Company, or anything else, even a residential site, it would have to comply with the today’s criteria with today’s laws otherwise U.S. Aluminum would be found in violation. They have no interest in being found in violation so they have to satisfy a myriad of criteria to comply with these laws. These laws are basically found in the Tech Rule (N.J.A.C. 726) that identifies maximum allowable contaminant levels for certain uses; certainly the most stringent of which is the residential standard. If we were going to keep it commercial, or industrial, they might allow (not saying they would) higher levels of acceptable contaminants as long as they are not migrating off site for instance. Once we’ve amassed all of this data, then we find out what needs to be remediated actively, simply put, dug up and thrown away, and then sampled again to make sure that area has been successfully remediated and then backfilled with clean, certified, acceptable material, i.e., contaminated free. We document this and mark the location on the map and then go forward with basically closing the site as it has complied with these laws.**

**Mr. Robinson stated we are about 85% complete with our initial sampling that includes all of the sampling H2M, the previous consultant, took and we have been verifying and confirming their data as well as generating our own.\**

**Per Attorney Veltri’s requested, Mr. Robinson explained that H2M worked for U.S. Aluminum because of the Industrial Site Recovery Act “ISRA” requirements were triggered by their ceasing of operations, and they have not completely complied with ISRA. Attorney Veltri questioned who is handling that for them? Mr. Robinson stated I am handling it for the new owner, Greentree, since U.S. Aluminum is essentially out of the picture.**

**Attorney Veltri questioned that the new owners have taken over the obligations of U.S. Aluminum? Mr. Robinson stated “absolutely”.**

Attorney Veltri questioned Mr. Robinson that he is the one trying to get ISRA approval? Mr. Robinson stated we are going to be closing the case under ISRA law, which is the DEP law.

Attorney Veltri questioned for that prior industrial user? Mr. Robinson stated, not so much for U.S. Aluminum. I am working on behalf of Greentree.

Attorney Veltri questioned how close are you to getting ISRA approval on the site? Mr. Robinson stated we are about 60 days away.

Attorney Veltri questioned once you get ISRA approval, then there are other standards that you are going to have to meet for the residential use that is being contemplated?

Mr. Robinson stated I am doing that now. There is no real ISRA approval. In order to comply with the laws set forth by ISRA, you have to put forth a preliminary assessment, which is what the DEP calls this exhaustive report we are going to be writing someday soon. A preliminary assessment is an appropriate document documenting either the way things are, which you have documented to the State, or the way you have made them.

Mr. Robinson explained that we are doing what we call a “Preliminary Assessment Site Investigation Remedial Action”. Attorney Veltri questioned what is the remedial action? Mr. Robinson stated it is going to involve a great deal of soil excavation and offsite disposal; it is probably going to involve a deed notice, which is an institutional control; future monitoring of the site because, while we’re avidly achieving compliance with residential criteria, these low level trace amounts of these contaminants will remain well below grade.

Attorney Veltri questioned are you going to be doing any remedial improvements before the 60 days we talked about or is that afterwards? Mr. Robinson stated it is before.

Chairman Foulon questioned what was found in the ground water? Mr. Robinson stated we have found low level volatile organic content and a couple of metals.

Engineer Cristaldi questioned that this would come from the process that was used on that site? Mr. Robinson is not exactly sure. We haven’t found a direct connection between the constituents in the soil and contaminants in the ground water. We are really not sure if U.S. Aluminum put it there, but I know we did not put it there. I am not really sure if we will make the connection. Our main concern is to clean it up regardless of who put it there and how it got there.

Chairman Foulon stated his main concern is what is in the dirt or in the ground water of the neighboring properties and those properties have not been tested.

Member Reuter asked didn’t you make reference a moment that that’s part of the approval what has been leached? Mr. Robinson stated if contaminants are deemed mobile, yes. Ground water is mobile and we only just begun taking a look at the ground water since we have been working with the soil for so long.

Engineer Cristaldi stated you will have to figure out which way the water is migrating and get an idea from your own site which way the water is moving and migrating because someone could be downgrading or upgrading from your property. That area is pretty flat, but if the ground is really sloped and there is contamination in the middle of the site, it is mostly likely migrating downhill, not uphill, but this property is kind of flat. The preliminary assessment is just that – you are going out and finding out what was there

before, which could open pandora's box. Mr. Robinson stated that is part of the risk developers take.

Attorney Harris stated we have an application for a residential development, which this Board has already granted preliminary and we are here tonight for final approval. No one wants a residential development on property that is not environmentally suited for that development. The question is, what is required under the law so that a residential development can be built on this site and what is being done to comply with those laws and what is necessary to allow for the residential development from an environmental perspective? We understand that you are doing a preliminary assessment, we understand the ISRA requirement and we understand that there may be future monitoring for ground water, what is necessary so that the State, or yourself on behalf of the State, and say to this Board and the public that this site is safe to allow for residential development?

Mr. Robinson stated the requirements in law are very clear. The contaminate concentrations for unrestricted use, i.e., residential use, are very clear and there is a list of compounds that are regulated by the State and there are concentrations next to every compound be it in ground water or soil. We analyze soil and we get numbers and we compare those numbers to that list. If they are below those numbers and it says residential then we are good. I am about 85% done with this process. When at 100%, then all of the contaminants that are being allowed to stay on that site are going to be below that residential list; the numbers that are in the part of law with residential on top of the page.

Attorney Harris gave an example: the law says you can have 2 parts per million of "this" and we now have a list that says that we are less than that the metals and like. Mr. Robinson stated correct. Attorney Harris continued with, you have compiled that list and are 85% done with that list, and hopefully within the next 60 to 90 days you should be totally completed with that list that says we complied with the law and then what is next? Mr. Robinson stated generally, in about 99% cases there is now another set of criteria that is called "impact to ground water". All of New Jersey's laws are designed to protect the drinking water of this State. As we decide to leave these very low levels of these immobile compounds, I can't say that the place is Kansas, we are not getting non-detects on all of these compounds in all of these samples, but the contaminate concentrations, by in large, that we have found in the data are below, what we call "residential direct contact". In other words, if you put a person on it, with the assumption that they were going to breath a certain amount of dust or they were going to drink a certain amount of fluids that have been washing through it, and I really don't know how they determine the numbers but these are the numbers we have to comply with, so now we are going to be below residential standards, but in some cases, not many, we are going to above the impact to ground water standards. A deed of environmental restriction is going to document the fact that these low level trace amounts of contaminants are there and they will be there forever and will impact no one, including the ground water.

Chairman Foulon asked at what point will we see something from the DEP that says this site has been approved? Attorney Harris continued with this question to Mr. Robinson that you have done your investigation and you have the list of compounds in the soil and it

meets residential standards, I believe the questions are then what happens, where does the list go, how do we know that we are safe to build and live on this site?

Councilman Cortellessa continued stating you said you do an analysis and the analysis says to me that you are looking at these different components where work has previously been done to see if they are contaminated. Once that is done, let's say it is not meeting the standards, then that soil has to be removed before you can say that you are meeting the standards to go to the DEP. There is a remediation process that has to go through here. All of that bad soil has to be taken away, and then you have to screen and replace the soil. You are telling me you are doing the analysis so you are nowhere near the remediation of the property yet? Correct? Mr. Robinson stated "no, that is not entirely correct". We have been remediating as we've been reviewing data. I get laboratory data and may be like, hey we have to go dig that spot up.

Councilman Cortellessa questioned since you have been doing this all along, you are at the point now where you still have approximately 15% more analysis to do and the other 85% is already been remediated, and these are the factors that determine that you meet the standards. You have to do another 15% and remediate that property before you can go back to the DEP and say you met the standards? Mr. Robinson stated "yes, correct".

Attorney Harris continued with once that 15% is finished and remediated to safe residential standards, then what? Mr. Robinson stated according to the data that we have we are not going to get it all. We are going to comply with the residential standards, which is fairly simple-dig it up and throw it away and put something clean back in and confirm and verify that you have done it with additional sampling, i.e., a little deeper. Then in a sense we have met the residential standard, there are lower levels of contaminate that are below residential standard but they are above the impact to ground water standard.

Attorney Harris questioned, when you are done with all of your work, what do you get and from whom that says this site is safe for residential use? Mr. Robinson stated he will issue what is called a "Response Action Outcome" or "RAO" to Greentree that says the site is compliant with law and that will include a remedial action permit for soil and the remedial action for that soil, after we dig up these residential exceedances, will document low level remaining trace amounts of metals. This RAO goes to the DEP and Greentree.

Attorney Harris questioned what does the DEP do with the it? Mr. Robinson stated, as an LSRP, they will review the RAO and Report and have three years to get back to me, but during those three years you can build.

Mayor Mahler asked if we build it and they don't like it, what do we do? Mr. Robinson stated he would not draft an RAO if I didn't like it.

Engineer Cristaldi stated the State is not watching this. They have these licensed individuals that go out and do the remediation.

Mr. Robinson stated he would not issue an RAO if I didn't think the State would like it.

Attorney Harris stated that if I was on the Board or a member of the public, I would be under the assumption that the DEP is involved in this investigation and remediation and there is going to be DEP review and somebody is on site. Mr. Robinson stated they are not involved in the investigation or the remediation.

Attorney Harris stated that how the RAO works in the of New Jersey is that there are qualified professionals such as yourself, LSRPs, who are qualified and empowered by the State and by the DEP to issue these RAO's based on your professional background,

education and knowledge, that says that the site meets these residential standards. This is not issued by the DEP and there is no such thing as a DEP No Further Action Letter. This letter doesn't exist anymore for this type of work. The RAO by the LSRP is the document that shows that the site is satisfactory for residential use, then the developer can develop and build based upon the RAO findings. Mr. Robinson agreed to all comments. Attorney Harris questioned if your findings are incorrect or disputed by the DEP, what happens? Mr. Robinson doesn't know. This scenario has not happened in my experience. DEP may have questions and sometimes I have to amend the Rao because of some administrative thing, or some fees haven't been paid by my clients, or sometimes they have erroneous data in their file and we find out something different. If you are going from an industrial use to a residential use in the State of New Jersey, this is the standard and typical way that environmental remediation is done for residential developments.

Chairman Foulon questioned if this site is listed with the DEP as a remedial site? Mr. Robinson stated there are a handful of case numbers on this property dating back to 1992 when they had issues, fires and spills that were remediated years and years ago.

Councilman Cortellessa asked two questions: (1) Could the issue of the ground water be explained and how that is remediated, and (2) Lot 5.01 is the piece of property that is not owned yet but since it is adjacent to U.S. Aluminum and is going to be a part of the residential property, you might want to assess that piece of property and remediate that, if necessary. Mr. Robinson stated we have every intention of doing so. That is part of the 15% that still needs to be investigated and remediated.

Mr. Robinson explained we have only been lately looking into the ground water. We have some preliminary data that shows low levels of volatile organic content. We don't know exactly what contaminated that groundwater at that location. It is not the whole site, it is one well that we sampled about two weeks. The other handful of wells we sampled were fine. We have sampled five wells and will continue to test the groundwater.

Engineer Cristaldi questioned if they were sampling the wells for contaminates that would likely have come from the use on that property or are you doing a more general sampling? Mr. Robinson stated we are analyzing that groundwater for everything.

Chairman Foulon stated I believe a lot of us are disturbed by this. We are not sure that the process is the correct process. I know personally that when I sold my manufacturing business they did samples and they did samples of neighboring properties because of groundwater leeching. I would like that to be done and I would also like the town to hire our own environmental expert to work with you. Mr. Robinsons stated he would welcome that.

Attorney Harris stated we cannot go on the neighbors' properties to do the sampling without their approval. Chairman Foulon stated, I would assume if I was one of your neighbors I would invite you to test my soil and groundwater, and, of course, with their permission. Mr. Robinson stated he has had a whole lot of cooperation with neighboring properties and people concerned in the past.

**Engineer Cristaldi stated that the process Mr. Robinson is explaining is that he is the licensed guy, he is going to do all the studies, he is going to certify it and submit to the DEP and they are going to accept his findings. This is the process.**

**Member Reuter questioned is anything being capped? At previous meetings we heard the word “capped” and now my understanding is there is no capping being done, can this be explained? I am referring to the fact that there was discussion about raising the property about 4 feet and the implication was “capping” was being done.**

**Attorney Harris stated we are not “capping” and leaving bad stuff in the ground. We are removing bad soil and replacing with good soil and then our development serves as a, for a lack of a better term, “cap”.**

**Mr. Robinson explained we are removing contamination that is higher than what the State deems acceptable for residential direct contact. That doesn’t mean we are removing everything. The term “cap” was being used during a couple of previous meetings and I was wincing and didn’t like the term being used two months because I didn’t know what I know now about the site, because I hadn’t looked at reams of data so closely. This material being utilized to elevate the site is now being deemed by me more as an “environmental cap”. The definition, in my mind, of the term “cap” has now changed because we are removing a lot of contaminated soil because it is just over residential levels.**

**Chairman Foulon commented that I was under the impression that we were just covering them up and Member Reuter agreed with this statement.**

**Attorney Harris stated that the soil is being removed so it meets residential standards and whatever minor contaminants are left in there, even though it meets residential standards, is never going to be zero and that is what is getting “capped” by the clean fill, pavement and buildings, which is the development itself.**

**Engineer Cristaldi questioned how long do the monitoring wells have to stay in place? Mr. Robinson stated that the one exceeded well we sampled the other day, I might, in fact, treat that groundwater and investigate that little area of groundwater contamination. We may treat that actively and bring those levels lower.**

**Engineer Cristaldi questioned if there are more wells going to be put on the property? Mr. Robinson stated they are going to be temporary.**

**Engineer Cristaldi questioned what about the wells that are there now? Were they supposed to be temporary too? Mr. Robinson stated “no, they are permanent wells”.**

**There are two types of wells. There is a temporary monitoring well that you can install with a drill rig that can only stay in the ground for 48 hours and then it has to be removed and backfilled. Then there is a permanent monitoring well which requires a permit. It is legal, surveyed and it has a cap on it. They are abandoned.**

**Engineer Cristaldi questioned if you are going to be able to abandon your wells in the same 60 days? Mr. Robinson stated, “no way, not at all”.**

**Engineer Cristaldi asked why do you say you are 15% away from finishing?**

**Mr. Robinson stated because the abandonment of a well isn’t necessarily part of a remediation. The abandonment of a well that no longer shows exceedances is just a detail to me. It has no value; it is just sitting there. I do not have to sample it as long as it is compliant. If there are no exceedances in that groundwater at that location, the well has no value. Sampling of the groundwater is still part of my 15% and we only found the one well**

right now with regulatory exceedances, out of the 5 sampled. The contaminated well was Monitoring Well #5 and I don't know where it was located. Mr. Robinson, per Mayor Mahler's requested, pointed out on an exhibit the approximate location of the wells. Engineer Cristaldi questioned how many more wells do you think you are going to put in? Mr. Robinson answered probably a handful, but I really don't know. What I do is not an exact science until I sample the daylight out of this place and look at the numbers and compare to the appropriate levels. If it is higher than what I want, I dig it up and throw it away. I should know all this within 60 days.

Member Slater questioned what is the toxicity of the metals you are finding on the property? Mr. Robinson stated I am no toxicologist and I cannot answer this question. I do know one thing for sure and that is that the low level trace amounts of metals in this case that I allow to remain in that soil below feet of this imported acceptable material won't ever affect anyone forever.

Attorney Harris stated there is a question out there that we have not answered. Until the RAO is submitted, can we build the residential development? Can someone live there? Mr. Robinson stated there is no law that prohibits that.

Attorney Harris directed a question to Mr. Gunia. Until an RAO is submitted, will there be any development on this property or will anyone be allowed to live there? Mr. Gunia stated, "no".

Attorney Veltri questioned will there be any construction on the property? Mr. Gunia stated as long as the law allows us to construct in terms of infrastructure or whatever we allowed to do there under an RAO, we do intend to move forward with that construction.

Attorney Veltri questioned, assuming that this Board approves subject to the RAO being submitted, the question is do you intend to do any construction on site if we approve tonight subject to that? Mr. Gunia stated, "no".

Attorney Harris stated that what we are saying then, is you are going to do your work until we get to the point where we can get an RAO submitted. The builder is not going to build until he is allowed to do so. Mr. Gunia stated "correct".

Member Slater questioned, you said build. Is that build buildings or is that build gas pipes, water mains, curbs, infrastructure etc.? Mr. Gunia stated they had intended to let Andrew perform his work and when he grants us the satisfactory RAO then it was our intent to begin constructing whatever we are allowed to do at that point. If Andrew said we could do A, B, C or D before that RAO is issued because it is not going to have any impact, then we were going to follow whatever guidelines he recommended.

Attorney Harris stated we would also be subject to the Redevelopment Agreement and Developer's Agreement that may also contain construction/development schedules.

Attorney Veltri stated what happens in that process, they look at our Resolution first and we are talking tonight on the record under oath so we want a clear determination in terms of any construction onsite until that process is finished and submitted.

Mr. Robinson stated that there are plenty of sites like this that have undergone residential redevelopment that have put in their infrastructure as things get finalized, like curbing, foundations, pipes, etc., especially on this site since all of the infrastructure is going to be fairly shallow. They are elevating it to have flow the other way, towards the retention

basin. That is all going to be done in clean, acceptable imported fill. The RAO is really going to address the site but the detail of that RAO is going to be clear that, well below grade there are these pesky little trace amounts of a handful of compounds.

Mr. Robinson stated the municipality gets a copy of the RAO through the Mayor & Council and the Health Department, and the County and DEP also get a copy.

Chairman Foulon questioned what is the rush to get final approval? Mr. Gunia stated we brought the property with the intention of building a residential community and before we can move forward with funding and financing, we need the approvals.

Chairman Foulon stated I don't want to hurt your funding/financing by not doing this in a timely manner, but I also don't think you are ready for final until Mr. Robinson is done. I think we could possibly put some restrictions on you and give you a final subject to.

Attorney Harris stated we understand that until the RAO is submitted, there are things that we can't do. In conjunction with Mr. Robinson's work, there is infrastructure work done that is only in accordance with his findings that says it is allowable and it's the proper course of construction. At the end of the day, we may be x amount of dollars and time in on the site on the infrastructure, but we can't do anything with it until the RAO is submitted, and until that happens, it is our time and money that is out waiting for the RAO which will allow us to actually sell and bring residents in.

Mr. Gunia stated that we wanted to make sure that we understood exactly what levels of cleanliness that we needed to bring the site to so we had some choices. I took the road where I told Andrew that we just don't want to "cap" the site, which the law allows us to do and which we investigated doing, but I don't want to do just that since we are selling homes to the public, we want to go the extra mile and whatever stuff that he finds, we want to take that stuff off the site so we didn't even have to address it at all. This is what we have been doing since we wanted that extra insurance policy to make sure that we were going that extra mile to clean. The fact that there is material being placed on top of that soil is because we changed the direction of the drainage flow and gravity flow. The residential standard does not require all of those trace amounts below the standard to be removed. It needs to be documented that there is a little bit of this left but it is below the residential standard, but it is still there. You dig that material up, you dig through that 4' or 5' of material that they put there, there is a chance that the low level material is going to be re-exposed, but still in our opinion very safe. This is how we have been operating there and we want to make sure we are comfortable and we don't have any issues or question marks.

Mr. Gunia continued, referring to the questions on the documentation for the DEP, stating we had extensive paperwork that we had to document when we brought the site from U.S. Aluminum. The DEP requires many forms to be filled out and a lot of information to be transferred and we spent weeks, if not months, working back and forth filling out that paperwork with Andrew's help and H2M's help, U.S. Aluminum had as a team of environmental attorneys that were helping us with the situation and making sure that all the proper information was known. The one thing that we did before we purchased the site is we consulted an environmental attorney so that we understood what our obligations and liability were going forward. So we purchased the U.S. Aluminum property and we wanted to make sure that, if there contaminates of any kind found outside the property, what is

Greentree's responsibility? The response that I received was that Greentree would not inherit any responsibility for any contaminants off site and that U.S. Aluminum would still be legally bound to address those issues, so it is really not our responsibility to test the adjacent properties. We can do it as a courtesy at a cost of \$2,500 per sample, so if there is something found there, U.S. Aluminum is going to be brought back in to address the cost of remediating those properties, if there is any contamination found there.

As to the groundwater itself, we did extensive investigation and research to find out what is exactly is done when groundwater is found to be contaminated and is not treatable, the answer is really nothing. You document the groundwater contamination, it is going to go into notices that it is below the surface, identify the contaminants and there is really nothing that us or any amount of money or cleanup is going to fix that. There are other sites in Wanaque that probably fall into that classification. What was found here are very low levels and, if we can treat it, we will. Everything that we are going to do is in accordance with the residential requirements, and then some wherever we can, and that is what we intend to do.

Chairman Foulon thanked Mr. Gunia for a good explanation.

**Chairman Foulon :** Is there anyone in the public wishing to address the environmental issue on this application?

**Robin Wilkins, 9 Red Oak Court, Haskell**

Was Greentree advised to purchase captive insurance and do you know what captive insurance is? Mr. Gunia stated I don't believe we were, but I can research it.

**Bob Benecke** – I wrote the Redevelopment Plan and for clarification, Section 2D of the Redevelopment Plan effectuates the Plan only upon certification of DEP or an LSRP. The Redevelopment Plan and your Site Plan Approval would be effectuated unless the LSRP certifies the remediation program. Until we get the RAO or the NFA and in this case, there is not an applicable NFA since it is not a water wave project nor is it another type of project that would classify it as such, the LSRP effectuates or causes the Redevelopment Plan to be in effect. Without that, you don't have a Redevelopment Plan and with that, they can't build. Mr. Robinson doesn't issue the letter; they can't build – period end of story.

**Dave DaSilva, 108 Monroe Street, Haskell** (Mr. DaSilva is asking the questions unless otherwise noted)

How much soil is staying and how much is leaving? Mr. Robinson stated they haven't really quantified that. How much is staying is a tough question. We are looking at about 50 to 60 truckloads of material to be leaving the site, which may change as further testing is done.

Would you say the contaminants that are there are harmful to humans in some form? Mr. Robinson stated "of course". Everything is harmful to humans in some form.

**What form are they harmful in, i.e., if they are a dust, if they are diluted in water, if they are in a gas form? The stuff that you are finding in what form is it harmful to humans? Mr. Robinson stated lead is harmful in a dust, I guess. I have heard it is harmful if it is in paint and you eat it, especially for kids.**

**Has any of the material that you found contaminates in already been taken off site? Mr. Robinson stated “no, not yet”.**

**So it is there and is it being disturbed? Mr. Robinson stated “no”. It is stockpiled separate from everything else.**

**When will your report be ready for the Board and for the public to view? Mr. Robinson is hoping 60 to 90 days, but as soon as we can. There is an incredible amount of information.**

**Mr. DaSilva stated I will say that in the 9 or so years I have been coming to a lot of these meetings, I have never seen a final approval given of any project that involved environmental issues before the environmental report was completed and reviewed by the Board or the Council and the public. I would like to see the final approval be held until you can review it, I can review it and possibly bringing this gentlemen back for additional questioning. If you do final approval tonight, what is the recourse?**

**Chairman Foulon stated it “will be subject to”.**

**Mr. DaSilva questioned if the Board was going to present these witnesses again at a public hearing for us to question them. Attorney Veltri and Chairman Foulon answered “no”.**

**When you push down on the ground with the low levels of contaminates that are left, are you confident that none of that is going to be pushed off into the neighboring properties? Mr. Robinson stated “entirely”, not at the levels we are discovering.**

**You don’t see any reason to test the neighboring properties now and then again after the development is done to see if anything has moved? Mr. Robinson stated I think that is advisable but, again, as Mr. Gunia stated that is not Greentree’s responsibility and I haven’t been retained by U.S. Aluminum to do so.**

**You are not leaving any active wells for testing after the property has been built? Mr. Robinson stated that has not been determined yet.**

**You don’t know if any of the contaminates can come up through the new soil after it has stayed down underneath the soil you put there? Mr. Robinson stated I know that over 30 years of experience that has never been documented.**

**Chairman Foulon stated to Mr. DaSilva to bear in mind that they are taking out beyond the approved levels of contaminates. They are removing them from the property and then putting the “cap” on, so what is there is minuscule.**

**How far do you think you are going to be digging down? Mr. Robinson stated it is very shallow, maybe 3' from previous grade, and we continue going down until it gets better than residential standard.**

**How much of the surface are you testing to make sure there are no contaminates in a distance of 3' or 4' from one spot to another? Mr. Robinson stated it is not quite 3' or 4', but certainly within 5' to 10' to 15', at spots. Again, as I said earlier in my testimony, depending on what we deem the historical activity; the industrial activities per those location.**

**Sal Moffa, 1 Second Avenue – I used to live here, but my dad still does**

**Mr. Moffa: In terms of the wells mentioned, when you issue an RAO, do you have some time of standard deviation that you would use based upon the size of the property and the level of contaminates that would require a certain number of wells be tested? Mr. Robinson stated “no”. If we find any contamination, we have to delineated it and remediate it.**

**How do you know you are done? Mr. Robinson stated when we don't find any regulatory exceedances in the groundwater.**

**In terms of the of the 50 or 60 truckloads taken off the property? Mr. Robinson stated they are stockpiled on the property, not taken it off the property.**

**When do you expect to remove that contaminated soil? Mr. Robinson estimated within the next weeks. It is exceedingly expensive to remove the soil and we want to do in all in one shot.**

**If it is contaminated, isn't it then also capable of leeching with rainwater? Mr. Robinson stated it is under plastic and stockpiled on impervious surface. The soils have been sitting there without leeching through anything for months and months at a time.**

**In terms of the RAO, you have done a lot of work on the property and continue to do work, taking trees down, taking the fence down, as far as you can until this is issued? Mr. Gunia stated we will follow the recommendations of the Board. Even if the law allows us to do so, if the Board says they don't want to see any work performed then we will wait for his RAO.**

**Chairman Foulon stated there will be no cease and desist. There just will not be any site construction allowed until we get the RAO.**

**Conversations between the Mr. Moffa, the Chairman, Applicant and Mr. Robinson took place about what type of work could continue on the site, i.e., fence removal, tree and tree stump removal, etc.**

**Attorney Veltri stated I think what we are saying, and I think what Mr. Benecke said, is that there can be no construction on site until the RAO is issued other than what is related to the environmental plan. Let us not get into fences and trees; that is not going to happen.**

Chairman Foulon stated nothing can be done other than the remediation; that is it. Attorney Harris stated we are going to continue with what we are doing on site, which is the clearing, taking down what is there now as appropriate under environmental safe guards that I believe are handled by your building department and health department. This is in concurrent with Mr. Robinson finishing up that 15% within the 60 days. At that time, we are not going to do anything else. We are not going to go into the ground, we are not going to do infrastructure and obviously not build up. We are going to continue to clear the site under the guidelines of the town and move forward.

Engineer Cristaldi stated, in one sentence: “The only work that you are going to do on the site is work that has to be done so that you can get the RAO”.

Mr. Moffa questioned is there going to be testing done on the neighboring properties? Attorney Harris, referencing Mr. Gunia’s testimony, that we are willing to test the neighbors’ properties with the understanding that Greentree At Wanaque owns the site, not the neighboring properties, so if there is some sort of remediation required on those properties, that will be the responsibility of U.S. Aluminum, who is actually responsible for that environmental condition. We are not responsible for remediating the neighboring properties. If they want us to test their property, we will do it, but they will have to deal with U.S. Aluminum with any claims.

Attorney Harris stated I am not entirely sure that the neighbors want this testing. I am not sure it is in their best interests.

Mr. Gunia stated there are so many different environmental tests that are very expensive and multiply those by all these properties that Greentree is not going to be able to remediate. We don’t even know what we would be testing for yet. This is why we met with an environmental attorney before we purchased the property and that should anybody have any questions about their own property, they can reach out to U.S. Aluminum and request they perform the offsite testing on their properties.

Chairman Foulon stated it is up to the property owner to contact U.S. Aluminum and say we would like our property tested. This issue will not be a condition of any approvals.

Mr. Moffa questioned Mr. Robinson if he had any RAO’s be rejected by the DEP after the three year window? Mr. Robinson stated “none”.

Mr. DaSilva wanted to clarify that only work done will be only related to environmental. Chairman Dunning and Attorney Veltri stated “yes”.

Roland Carollo, 3 Second Avenue, Haskell

Mr. Carollo questioned who is going to validate and certify the fact that, yes, this is done, the soil is satisfactory. Mr. Robinson will, that is my job. Mr. Robinson stated the State has approved me to assure compliance with the State laws. I am kind of deputized. I

investigate, take a bunch of samples and get them analyzed and then think about them for a couple of months and then I either do something or accept it as is. I then document these decisions and all the field activities, all the samples, all of the analysis into a huge report. This will get submitted to Greentree and the State with the RAO and I say you are good to go; you satisfied all these rules, we put remedial steps in place and I know that no one is going to get hurt by these low level contaminants that are remaining in the subsurface. The Board will receive the RAO and the whole report itself will go to Greentree and the DEP. Believe me, when it is a residential redevelopment, the State reads it.

Mr. Carollo questioned if they are taking up all the root system of these trees, especially since the root system into the U.S. Aluminum property has been excavated to the point of disturbing it? Attorney Harris reconfirmed the question: Is our work on site disturbing the root system of the trees on your property? Mr. Carollo stated correct. Mr. Gunia stated we would have to have a botanist go take a look at this.

Mr. Carollo also questioned the extensive vibrations from the construction site? Mr. Gunia stated it is probably from breaking down some concrete that was stockpiled and broken up with drill hammers. You are also feeling the vibration from the steamrollers.

Attorney Harris has no further witnesses or testimony.

**Bob Benecke – Affordable Housing Units (COAH)**

I have the new regulations tonight and the one thing I do know is that once you have a Housing Element, which we have, there is now a requirement of an economic expert as opposed to a land use planner to certify COAH because all the planners screwed up the spending plan, which we just got ours approved about one month ago. This project is not impacted by COAH in terms of the op-outs. The 10% set aside is in place. The new rules take effect November 17, 2014. They are in effective as law now because the State has implemented them. They have been published and heard and they will finally be published in the State Register in about one month. They have a 10% set aside requirement for COAH – 8 Units – and they will comply with that.

Attorney Veltri questioned what types of units? Mr. Benecke stated they have to have a bedroom mix consistent with the bedroom mix on a percent basis with their current project. There is no more abject three-bedroom requirement like there was before, so if they have 60% one-bedrooms, 60% or 5 units would have to be one-bedroom.

Attorney Veltri stated I think they have 8 one-bedrooms out of 76. It would be basically be 10% one-bedroom and 90% two-bedrooms (7 two-bedrooms and 1 one-bedroom). Mr. Gunia and Mr. Benecke concurred.

Chairman Foulon brought up another issue that was just brought to my attention and apparently residents of the development across the street have been promised things that have not happened. Discussions took place. Mr. Gunia stated he was not aware of any issues, and explained the developer's process to rectify any residents' concerns/complaints

or open items, but will look into the issue and will contact the homeowner that was present at the meeting.

Attorney Harris would like to address the parking discrepancy in the preliminary approval. The preliminary approval showed over 190 parking spaces. When the unit count was reduced from 84 to 76, our engineer recalculated in his head very late in the meeting that the parking spaces would be reduced from the 198 that were on the original plan down to 190. His calculation was a little off. The final parking count, as Engineer Cristaldi put forth in his letter, is 186, which is above the required parking.

Engineer Cristaldi asked if only the one-bedroom units not have a garage or will some one-bedroom units have a garage and not some two-bedroom units? Mr. Gunia stated this is something we have to think about. There will be assignments of garages so we may choose a handful of one-bedrooms to have garages and not two-bedroom units. This is a detail we have not finalized as yet.

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

**Dave DaSilva, 108 Monroe Street**

I asked that you hold off on final approval until the environmental report is done and we can ask questions of the environmental engineer. If you do decide to bring it up for a vote this evening, I urge you vote “no”. I know for a fact that there will be impact on my neighborhood in reference to traffic. I am anticipating negative impact on my children’s school by the two-bedroom units having children in them. The class size is already a concern for our school so I am asking you to vote “no” because I believe this introduce a material public harm for my area of the community. This is my opinion.

Chairman Foulon stated those issues were covered in the preliminary approval.

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

Member Slater wanted to reiterate what can be done on the property.

Attorney Veltri stated whatever they do on site has to be in accordance with environmentalist’s instruction. I don’t want to speculate what that is, but he said tonight he does not deal with fences or trees. If he needs to move something to comply with his environmental studies, they are going to be able to do that.

**MOTION FOR FINAL SITE PLAN APPROVAL SUBJECT TO:**

- 1. THE ISSUANCE OF AN RAO BY APPLICANT'S LICENSED ENGINEER, ANDREW ROBINSON;**
- 2. THAT THE SITE HAS BEEN PROPERLY REMEDIATED AND SAFE FOR RESIDENTIAL LIVING; THERE SHALL BE CONSTRUCTION ON SITE UNTIL THE RAO IS ISSUED EXCEPT FOR CONSTRUCTION RELATED TO REMEDIATION FOR ENVIRONMENTAL PURPOSES;**
- 3. APPLICANT WILL COMPLY WITH ALL OF THE COMMENTS AND CONDITIONS IN ENGINEER CRISTALDI'S REPORT DATED SEPTEMBER 17, 2014 AND ROBERT BENECKE'S REPORT DATED SEPTEMBER 10, 2014;**
- 4. THAT THE AFFORDABLE HOUSING ON SITE WILL BE FOR 8 UNITS; 1-ONE BEDROOM UNIT AND 7-TWO BEDROOM UNITS;**
- 5. THAT THE PARKING ON SITE HAS BEEN ADJUSTED FROM THE PRELIMINARY APPROVAL FROM 190 TO 186 PARKING SPACES;**
- 6. THAT ANY AND ALL CONDITIONS THAT ARE NOT SATISFIED IN THE PRELIMINARY APPROVAL, WILL BE SATISFIED IN THE FINAL, SPECIFICALLY MAKING REFERENCE TO THE APPLICANT ENTERING INTO A DEVELOPER'S AGREEMENT AND A REDEVELOPMENT AGREEMENT WITH THE BOROUGH;**
- 7. COMPLIANCE WITH ANY AND ALL OTHER LAWS THAT APPLY TO THE PROPERTY – FEDERAL, STATE, COUNTY AND LOCAL;**
- 8. A COPY OF THE RAO WILL BE SUBMITTED TO THE BOROUGH ADMINISTRATOR AND BUILDING DEPARTMENT;**
- 9. THE WALL DESIGNS WILL BE DONE BY A P.E. AND SUBMITTED TO THE BUILDING DEPARTMENT FOR PERMITS TO BUILD THE WALL AND UPON COMPLETION OF THE WALL, YOUR PROFESSIONAL WILL CERTIFY THAT THE WALLS WERE CONSTRUCTED IN ACCORDANCE WITH THAT DESIGN;**
- 10. CERTIFY THAT THE FILL YOU BROUGHT ONTO THE PROPERTY IS CLEAN; AND**
- 11. WORK OUT LOCATION TO DRAIN THE PERFORATED PIPE BEHIND THE WALL (WHERE IT IS GOING TO DISCHARGE TO).**

**Motion made by Member Slater, seconded by Member Demetriou**

**VOTE ROLL CALL: Voting yes were Chairman Foulon, Mayor Mahler, Councilman Cortellessa, Members Demetriou, Platt, Reuter, Verba and Slater.**

**PUBLIC DISCUSSION: None**

**MOTION TO ADJOURN AT 10:30 P.M.: made by Member Slater and seconded by  
Chairman Foulon.  
Motion carried by a voice vote.**

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**Jennifer A. Fiorito  
Planning Board Secretary**