

**BOROUGH OF ROCKAWAY
LAND USE BOARD
MINUTES
September 1, 2020**

The regular meeting of the Land Use Board of the Borough of Rockaway, County of Morris, and State of New Jersey was held at the Community Center, 21 Union Street, Rockaway, New Jersey with Kenneth Blair presiding. Notice of this meeting was given in the annual resolution and posted on the municipal bulletin board. This meeting was held virtually via Zoom.

Chairman Blair called the meeting to order at 7:40pm. All present saluted the flag and Chairman Blair read the Open Public Meeting Act Statement.

Both the Federal and State governments have declared a state of emergency in response to the outbreak of the Covid-19 virus that prohibits all gathers of more than 10 people and requires social distancing. In an effort to continue the Land Use Board's business, this meeting is being conducted via Zoom, a video conferencing service, that allows the Board, it's professionals, applicants and members of the public to participate. Participation can take place via video or telephone conference. Access information was posted on the Borough's website.

ROLL CALL Present: Chairman Kenneth Blair, Ken Banbor, Joyce Freiermuth, Ron Hamman, William Hopler, Mark Howarth, Barbara Koch, Janet Leonard, Joseph Maulbeck and Kim Rose.

Absent: Mayor Tom Mulligan and Councilman Russell Greuter

Professionals Present: John Mills, Esq.
Golda Speyer, PP
C. Richard Quamme, PE

APPLICATION LUB #067
RPM DEVELOPMENT GROUP, LLC
74 WEST MAIN STREET AND MT. PLEASANT AVE.
BLOCK 73 LOT 65

Chairman Blair asked the professionals to go over the completeness. Rich Quamme, PE stated that they have reviewed some items that are minor which are subject to waivers and the application was deemed complete by his office. He continued to say that they were reluctant to recommend completeness in the past due to the storm water design. However, when the application id deemed complete it does not

mean that the application has met all the requirements there will be waivers needed. Mr. Quamme explained there were many documents submitted and many waivers that must be given. The board was told that the applicants engineer is revising the storm water designs. Board member Joyce Freiermuth asked why this application is complete. It was stated that in testimony it would be explained to her.

Kenneth Dykstra, PE- (21 Bowling Green Pkwy, Lake Hopatcong) He was sworn in as a PE, PP and a PL. He went over the engineering report. This testimony was for completeness. He spoke extensively about the Storm Water Design. He told the board he will be giving testimony concerning the tree removal that is shown on the plans. He explained about the 3 retaining walls which will be each 10 feet high and he will give testimony about the walls. He also spoke about the sidewalks and driveways.

Open to Board Members

Ken Banbor asked about the bus stops.

Chairman Blair asked if the board members can keep their questions at this time to the completeness request.

Open to Board Professionals

Golda Speyer, PP spoke about the waivers that need to be granted and that all questions would be answered in the testimony that will be given. She said that on Page 8 of her report she speaks about the applicants need for waivers.

Chairman Blair asked for a motion. A motion was made by Barbara Koch to grant completeness this was second by Mark Howarth. All board members voted Aye to grant completeness. This application can move forward. There was much discussion amongst the board about the engineer's completeness report.

Alyse Hubbard, Esq. (141 West Main St, Rockaway) Ms. Hubbard began with an overview of the application. She stated that the applicant is RPM 74 Urban Renewal LLC. The property for this application is West Main Street and Mt. Pleasant Ave. Block 73 Lot 65. Ms. Hubbard stated that the building will have frontage on West Main St and the residential home has frontage on Mr. Pleasant Ave. The basis of the subdivision is to curve out the single family home and give it its won block and lot. Ms. Hubbard said the balance of the property is for a 64 unit senior affordable housing apartments. Ms. Hubbard said they would have several professionals who will testify.

Elizabeth Kulinich, VP RPM (77 Park St, Montclair) Ms. Kulinich screen shared 12 screens marked as A1-9120. She testified about how the project would operate and she went over the history of the company. She said they do residential leasing; they have a live-in superintendent, social services and medical screening as well as other services. She explained that they have built other projects of this nature. She gave several examples one being Woodbury in Gloucester County, Hillsborough. Ms. Kulinich stated this housing will be occupied by seniors age 55 and older. She also said they must have incomes that range within the Area Median Income (AMI) from 20% to 60%. The Morris County AMI is \$79,500.00. She explained about the eligibility criteria which includes income qualification, credit history, landlord/tenant history, criminal history and she added that they do annual recertifications.

Open to Board Members

Barbara Koch asked about criminal background checks? Ms. Kulinich said criminal background checks are done at the time of the application and it is a 5 year look back.

Barbara Koch asked is the lease annual? Ms. Kulinich said it is not.

Kim Rose asked what the application process is? She wanted to know if someone from Rockaway Borough could get priority. Ms. Kulinich said it would be against the Fair Housing Policy.

Mark Howarth said he thought that Borough residents would get precedence over anyone else. Ms. Kulinich said no that is not permitted.

Chairman Blair opened the meeting to the public

Richard Volpi (11 David Dr.) Asked if the tenant commits a crime how do you remove them? Ms. Kulinich said they have to be notified and then they would investigate.

John (did not identify himself or address) Do you validate citizenship? Ms. Kulinich said she did not know the answer to that question. She would have to find out.

Omar Ruiz (11 William Dr.) asked if the properties surrounding the project would have an opportunity to vote on this application? Chairman Blair said no the only ones who vote are the board members.

Lori Sullivan (8 Overlook Dr.) The slide that was presented showing the number of apartments it looks like most of the apartments were reserved for residents that would be in the upper income level. Ms. Kulinich went over the slide and said that the guidelines are set by the state. Lori asked is that pretty much set? Ms. Kulinich said yes.

Open to Board Professionals

Golda Speyer, PP- asked if Ms. Kulinich was testifying to all the special services that were in the planning report? Ms. Kulinich stated they would have social services which will be a live-in supervisor, a social service program. They will also have a fitness center, Yoga, a nurse and a healthcare assistance. Golda asked if there would be any assisted living? Ms. Kulinich said no.

Next Witness

Kenneth Dykstra, PE (21 Bowling Green Pkwy, Lake Hopatcong) sworn in as a professional Engineer, Planner and Land Surveyor. He screen shared an overall colorized site plan marked as Exhibit A2-9120 this site plan was dated August 31, 2020. Mr. Dykstra explained the property is approximately 7.8 acres in size and is currently developed with a single family home on Mt. Pleasant Ave. There are three zones for this application R-1, O-B and G-B with the Affordable Housing-Senior (AHO-S) overlay. They are proposing a two-lot subdivision. The applicant is proposing to construct an apartment building with 64 senior housing unit with entrance driveways that will access to West Main Street. There will be parking in the front areas, sidewalk and other site improvements. The residential home will front Mt. Pleasant Ave. He said that there are two large billboards on the property now that will be removed. Mr. Dykstra stated that all utilities will be installed underground. In response to the planners request he showed

where the dumpsters will be located. He assured the board that the dumpster size is adequate for this facility.

Mr. Dykstra went on to testify about the retaining walls. There will be three retaining walls each one will be 10 feet high. The top wall will have drainage because it is level. There will also be a safety fence installed at the top to avoid anyone falling.

Mr. Dykstra explained that the Board Engineer has a problem with the drainage system. He said that the drain will go underground to a swell and then to the Rockaway River. Mr. Dykstra said he will work with the Fire Marshall and Department of Public works supervisor.

He explained about the design waivers that are being requested section 170-5 steep sloop disturbance, section 171-19 proposed driveway grades of 5% within 40 feet of curb line, where a maximum grade permitted is 2% and section 171-19 proposed walkway of 5% for the main approach, where the maximum allowable slope is 4%. He said that the site can not be developed with the sloop disturbance.

Mr. Dykstra spoke extensively about trees. 285 trees need to be removed and 53 will be replaced. He said they need a waiver and contribution to remove the trees.

He stated that a waiver is also required for the building façade. He spoke again about the retaining that this is a hardship request for this waiver. Without this waiver the site can not be developed.

Open to the Board Members

Mark Howarth had a question about the trees. He said the Borough never gives a pass for trees. He thought that somewhere it is written that the developer must give a cash contribution for the town to place trees in other area of the town. Golda Speyer, PP said that in her report on page 15 she refers to the shortage of tree replacement. She said the number short on replacing the trees is 147. Mr. Howarth wants the tree replacement recorded in the deed.

Bill Hople he said that the storm water now crossed down to the drainage swell that goes to the river. It currently goes down the parking lot of 171 W Main St. and the water just stands still there. If we add more water to an area that already has West Nile. Mr. Dykstra said they would be putting a larger 36 inch drainage pipe size to accommodate the additional water.

Ken Banbor what happens when you do the soil testing and they hit the groundwater aquifer? Mr. Dykstra said they dug and have not confirmed soi results.

Joyce Freiermuth she spoke about the bedrock and water disturbance and would it contaminant our water well? Mr. Dykstra said they did 16 tests sites around the property and there were none.

C. Richard Quamme, PE asked if you hit bedrock would you still continue the project? Mr. Dykstra said that if we hit bedrock and can not remove it then it is too costly to do any more we would secure the site and stop the project.

Elizabeth Kulimich said before we begin we will do a geotechnical analysis.

Ken Banbor according to the study you were chopping down trees before you even started this project just to do the testing. Ms. Kulimich said additional testing must be done.

Open to Board Professionals

C. Richard Quamme, PE Asked to go over his report. They went over Lot area and density. The crosswalk was explained that it is hard to put in a sidewalk so it is a crosswalk to the other side of the road. The billboard removal was discussed. Mr. Quamme wanted to know how they were going to prepare the site? They spoke about soil removal and what kind of measures would be put in place because this construction will take a long time.

Joyce Freiermuth asked if Morris County Soil Conservation has been contacted. She was told they have.

Mr. Quamme said that a Soil Disturbance permit will be necessary from the Borough of Rockaway. We need to see the volume of soil coming off the site 500 cubic yards must be approved by the Mayor and Council.

Mr. Quamme wanted to know about the type of lighting and wanted to know if the LED fixtures would bother the neighbors.

Ken Banbor wanted to know if the street lights on the poles will remain or will they be removed. Mr. Dykstra said there were no plans to change street lights.

Golda Speyer, PP Asked to go over her report. She wanted more information regarding the subdivision, she wanted to know about their plans for preconstruction meeting. She stated that a preconstruction meeting would be listed as a condition of approval. Ms. Speyer wanted to speak about the tree replacement program and performance bonds that are required. Chairman Blair said that we will need further discussions regarding the tree replacement.

John Mills, Esq. said that tree replacement has to through the Mayor and Council.

Alyse Hubbard, Esq. she said that her client would agree to the tree replacement to move forward.

Golda Speyer asked Mr. Dykstra about the walking path and asked that that be made 6 feet wide to allow for passing. She also asked what type of material would be used and was told it would be constructed with concrete. She asked if the pathway could have solar lights to keep it bright and safe for walking at night.

Chairman Blair announced that the meeting time is expired and we must carry this application to the next meeting which would be September 15, 2020. This will be a zoom meeting and the information for the meeting will be on the Boroughs website.

Meeting adjourned at 10:43 pm