

**BOROUGH OF ROCKAWAY**

**LAND USE BOARD**

**MINUTES**

September 15, 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 7:31pm. 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 Opened the meeting at 7:30 pm we had some technical difficulties.

**Alyse Hubbard, Esq. (141 W Main St)** Attorney for the applicant reviewed the application and said that at the last meeting this application was deemed complete. We will now continue with the witness Kenneth Dykstra's testimony.

**Kenneth Dykstra, PE- (21 Bowling Green Pkwy, Lake Hopatcong)** He was reminded that he was still under oath. Mr. Dykstra said he has been in contact with Ferriero Engineering and has provided them with revised Storm Water Plans.

**C. Richard Quamme, PE** from Ferriero Engineering stated he couldn't do a complete review but said in general the Storm Water Plan is fundamentally sound. He said there are 5 key points that should be discussed tonight.

1. Approval for discharge DEP permit
2. County will also be reviewing this because the water will be going into a county road.
3. Wet season
4. Ground water analysis
5. The correct number of testing has been done with the infiltration system. This can be handled as a condition of approval. This design is fundamentally sound.

**Kenneth Dykstra, PE** went over a drainage area map.

#### **Open to Board Members**

**Ken Banbor** asked about the walkway and elevation of walls. He also asked about an inlet. He wanted to know if Mr. Dykstra would be redoing the sewer system.

**Joyce Freiermuth** asked about the landscaping plan

#### **Open to Board Professionals**

**C. Richard Quamme, PE** asked about required variance for topsoil. Mr. Dykstra did not think they needed variances. Golda Speyer said it would be a design waiver not a variance.

**Golda Speyer, PP** spoke about her report. She wanted to know about the preconstruction meeting and topsoil. Mr. Dykstra spoke about the topsoil. He said a soil disturbance permit needs to be filled out and only waivers are needed if they are not complying. Chairman Blair explained the requirements and that they are meeting them.

**Mr. Quamme** spoke about the dentation basin and it does require a sign off by the DEP.

#### **Open to the Public**

**Richard Volpi (11 David Dr)** asked if they can share the letter with the board regarding the Morris Canal. Ms. Kulinich said that the canal has been developed all over the state. She said they would put up a statue. Mr. Volpi said that 80,000 yards of soil he calculated would be moved. He said this would go to the MC Planning board for the disturbance. Mr. Dykstra said yes, they need approval. Mr. Volpi asked what the real number of soil movement would be, and Mr. Dykstra did not have that number right now. Mr. Quamme said that soil disturbance will be required as a condition of approval. Mr. Volpi asked what type of 100 Year storm it is now 500-year storm. Mr. Dykstra said no. Mr. Volpi asked to please preserve

the berms. Mr. Volpi also wanted to know if they were going to blast to excavate? Will sheet piles be needed? Mr. Dykstra said that 8 bores have been done and they have not hit bedrock. Mr. Volpi asked will a report confirm that? Mr. Volpi asked will the town make RPM post a bond if they hit bedrock to restore landscape? Ms. Kulinich said they will do more testing.

**John Mills, Esq** explained about bonds and restoration bonds. This has to wait for soil testing.

There was much discussion with the board about restoration bonds.

**Joyce Freiermuth** said she agrees with Mr. Volpi

**C. Richard Quamme** said that the restoration bond would only be about \$5000

**Richard Volpi (11 David Dr.)** asked about lighting and he asked about requesting they do a species survey. He also wanted to make sure they have applied to Morris County Soil Conservation.

**Kathy Hakke (74 Rockaway Ave)** asked more information about the retaining walls. She also asked about rain drainage. She wanted to know how the swell collects the water. Mr. Dykstra said with drains and pipes. She wanted to know if they have to post a bond to take care of a swell. Mr. Quamme said it is in the deed. She wanted to know if they are preserving the Morris Canal. Mr. Dykstra said that 380 ft of the canal will be preserved. She asked about blasting. She wanted to know who is going to take care of the water if they screw it up? She wanted to know why they chose this site. She said it is too steep and it's a terrible site.

**Suzette Simard (171 W Main St)** She said that water runs underneath her property now. She wants to know how this will affect her property after the development. Mr. Dykstra said that they will replace the pipes in the exact location. They will enlarge the pipes from 23 inches to 36 and shift it over. He said there should be no disturbance to your driveway. But you are the lowest part of the road.

**Omar Ruiz (11 William Dr)** asked about explosive devices? What kind of assurances that there will be no damage to his property? Mr. Dykstra said the blasting company covers insurance. Board member Mark Howarth said that contractors usually ask for pictures from neighbors prior to blasting.

**Bonnie Hook (23 Jackson Ave)** Asked about the Shade tree commission. Ms. Hubbard said she did reach out to them and they said they do not review Land Use Applications.

**Richard Volpi (11 David Dr)** asked if the pipe will collapse

**Kathy Hakke (74 Rockaway Ave)** wanted to know if a bat study had been done?

Next Witness

**Alexander Merlucci, Architect (632 Pompton Ave, Cedar Grove)** Introduced Exhibit A1 915 which is a colorized picture of the building. He explained about the roof pitch, windows, LED Lighting and that they are ADA compliant. He said the building is 3 stories in height with 2 elevators and 2 staircases. He spoke about the trash and recyclables.

Open to the Board Members

**Ken Banbor** asked if all the apartments will be wheelchair ADA compliant. Mr. Merlucci said yes, they will be compliant. Mr. Banbor asked if the windows in the bedrooms are egress windows. Mr. Merlucci said they are.

**Kim Rose** asked why the washers and dryers are not in each apartment? Mr. Merlucci said there are 2 washers and dryers on each floor. The Board thinks each apartment should have their own.

**Ken Banbor** asked where the hot water heaters are located. Mr. Merlucci said they are common Hot water system and it is located on the ground floor. Mr. Banbor also asked about the trash. He said there is no door. Mr. Merlucci said residents do not have access to the compactor. Mr. Banbor asked more questions about the compactor. Mr. Merlucci stated that there are exhaust fans to make sure there is no odor. Mr. Banbor asked about the tub and that it is small. Mr. Merlucci said in the bathroom the base of the vanity is made so the base can be removed to make the bathroom ADA compliant.

Open to Board Professionals

**Golda Speyer, PP** she asked about the window material. Mr. Merlucci said it was high quality vinyl windows. Ms. Speyer asked about the courtyard area, the concrete hardscape with tables and chairs. Ms. Speyer thinks they should have a grill area. She asked about the community room. Mr. Merlucci said there a small pantry, sink, refrigerator and seating area. Ms. Speyer asked about the trash cans outside. And Mr. Merlucci said he would add them. She spoke about RPM energy certification and energy codes.

**C. Richard Quamme, PE** asked about the runoff and the center internal roof grates.

Board member Ken Banbor asked if Mr. Merlucci can do an artist rendering with the wall in the background. Mr. Merlucci said yes, he can do that. Mr. Banbor asked about the pipes sticking out of the roof. Mr. Merlucci said they would be hidden behind a pitch roof.

Board member Bill Hople asked Mr. Merlucci if there was access to that roof? Mr. Merlucci said yes there will be a rooftop staircase or access for fire fighters.

**Golda Speyer, PP** asked about signs. Mr. Merlucci said there will be a free-standing sign.

Chairman Blair opened the meeting to the public

**Richard Volpi (11 David Dr)** will the roof wrap around the entire building? He also wanted to know about the hours of exterior lights. Mr. Merlucci said from dusk to dawn but shielded as not to throw light onto an adjacent property. He said that RPM wants to be a good neighbor.

**Kathy Hakke (74 Rockaway Ave)** asked if the landscaping can be only native species.

Chairman Blair announced the meeting time is expired and we must carry this application to the next meeting which will be September 21, 2020. This will be a zoom meeting and the information for the meeting will be on the Rockaway Borough website.

Meeting adjourned at 10:45 pm