

**BOROUGH OF ROCKAWAY**  
**LAND USE BOARD**  
**MINUTES**  
September 21, 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 7:30 pm. 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.

**Alyse Hubbard, Esq. (141 W Main St)** Attorney for the applicant reviewed the application and said that at the last meeting this application was carried to tonight. We will now continue with the witness testimony.

**Andrew Villari Stonefield Engineering (92 Park Ave, Rutherford)** He was sworn in by Mr. Mills. Mr. Villari will testify as to traffic. He has a BA Civil engineering from University of Delaware. Chairman Blair accepted his credentials. He said that he did his study on July 9, 2020. He said the traffic counts that he is using are from September 2018 when schools were open. He feels that because this is a senior housing there will be very little traffic generated. Mr. Villari said he feels about one additional vehicle every 4 minutes. He testified that because this project is in the OB Zone that could have had more apartments that would have generated much more traffic. This application before you tonight is a very good application because it is age restricted it keeps traffic down. He went on to testify that there will be two 10 X 60 Loading spaces that will function for UPS/Fed Ex or drop off passengers. He mentions the crosswalks being proposed and that they will be working with the county on that crosswalk. Mr. Villari said they are proposing one parking space per unit, there will be 5 visitors spaces and one for employees. There will be 78 parking spaces and that meets the Borough of Rockaway Code. He said senior housing usually only has one parking space per unit. Mr. Villari said there are no assigned parking spots however, residents are given parking permits to put in their vehicles.

Open to the Board Professionals

**C. Richard Quamme, PE** from Ferriero Engineering asked will there be impact at the intersection with Mt. Pleasant and W. Main St.? Mr. Villari said there will not be any impact on that intersection. Mr. Quamme asked about the crosswalk? Will it have a light? Will there be blinking lights? Mr. Villari said just crosswalk painted on the ground.

**Golda Speyer, PP** she asked do we get a say on how the crosswalk is done? Or do we have to go to the county. She thinks it should be lighted. Mr. Villari said it is up to the board's discretion. She asked about curbing, landscaping and guardrail replacement. Mr. Villari said the driveway pile is 24 ft which is adequate for fire vehicles.

Open to Board Members

**Joyce Freiermuth** said that Mt. Pleasant Ave is always hard to get in and out of and cars have to stick their noses out to get out. She also stated that she did not think 55 is old. She said many 55 year old people still work. Ms. Freiermuth said there is a blind spot on the property it is on the east side. She wanted to know where is the crosswalk going to be put? Mr. Villari said it is on the south side going towards Dover. Ms. Freiermuth also thinks someone should let the county know that the speed limit is 40 MPH and that is a crazy speed for a crosswalk. She also wanted it noted that the Borough of Rockaway's rush hour traffic is 3:30 to 6:30 it is a very congested roadway and it backs all the way up W Main St.

**Ken Banbor** said he would like to see and request that Morris County reduce the speed limit. Mr. Banbor also wanted to know about parking spaces and the traffic that goes around the building? He wanted to know if the traffic is both ways or only one way? Are there any signs? Mr. Villari said there should be stripping.

**Ron Hamman** what is the plan if more than 25% of the residents have more than one vehicle? Mr. Villari said he will work on that.

Chairman Blair opened the meeting to the public

**Rich Volpi (11 David Dr)** asked 18 vehicles per rush hour? Really only 16 vehicles in 2 hours? Mr. Volpi said the numbers sound crazy. Mr. Villari said he used an industry standard to compute the number of vehicles.

**Alyson Reuben (7 David Dr)** How can you say such a low number? What about grandkids getting dropped off. What are the numbers for the project in Wharton. Mr. Villari said we look at the suburban settings.

**Kathy Hakke (74 Rockaway Ave)** I am not comfortable with that low number. Can we get a new study with real numbers. Mr. Villari said this is the most up-to-date. it is the industry standards. Ms. Hakke also asked about how will we manage events going on at Donatoni Field? Will there be police? Ms. Hakke asked if there will be a lot of people walking? She asked many questions. Mr. Villari stated that they will have to talk with the county.

**Rich Volpi (11 David Dr)** Is this project Senior housing only or Senior housing low income? Mr. Villari said it is Senior Housing and we are getting away from the traffic study. He also said they need a bike lane. Ms. Hubbard said the housing center is rent not subsidized.

**Kathy Hakke (74 Rockaway Ave)** Asked some more questions and said she would like a new traffic study done. Chairman Blair said no new study will be done.

Board Member **Mark Howarth** said that maybe the bus stop should be moved to the new housing. Ask the county or whoever needs to be informed about adding a new bus stop.

Golda Speyer, PP asked about updated plans with a new crosswalk.

**C. Richard Quamme, PE** wanted to go over his engineering report. Board Member Joyce Freiermuth said she has some issues. Mr. Quamme asked if there was something in particular, she had a problem with, and she said #3. Mr. Dykstra said there were 11 tests done during wet season and did additional testing more recently. They did 2 test kits and 2 perts. He spoke about the results. He said they hit water table at 16ft. Ms. Freiermuth said this is one of the biggest applications we have ever had. Mr. Quamme stated that if they don't meet the requirements then we are done.

**Chairman Blair** said they need county and state approvals as well.

Board Member **Ms. Freiermuth** if they start and can't finish then we have a half torn down mountain on Main Street. Also, how can you confirm that there is no backwater effect from Fox Brook and Rockaway River. Mr. Dykstra said it can be a condition of the resolution. Ms. Freiermuth asked why the board did not get a drainage area map.

Board Member **Janet Leonard** wanted to know were there any other sites that were offered and why is everyone thinking digging into this mountain is the be all end all.

**Alyse Hubbard, Esq.** said this is not a question to ask. This is a buildable site.

**Chairman Blair** stated that this site was zoned by the governing body for affordable housing.

**Golda Speyer, PP** said that Coah towns in 2015 gained control over affordable housing. Rockaway Borough did not satisfy the 1<sup>st</sup> one or the 2<sup>nd</sup>. They looked for areas for development and they came up with a plan. This site is defined in the settlement.

Board member **Janet Leonard** said that in the Dykstra report a wildlife study was not done.

**Chairman Blair** explained why the board was given this application was for steep slope, retaining walls and all the others are waivers.

**Alyse Hubbard, Esq.** This is not low-income housing

**Elizabeth Kulinich, VP RPM** said she looked at 3 other properties. But this was the best.

**Golda Speyer, PP** spoke about the overlay zone

**Chairman Blair** we have to take the current application on its merits.

Open to the public

**Rich Volpi (11 David Dr)** asked how much soil will be removed? Mr. Dykstra said we do not have that calculated yet. Mr. Volpi said you don't know how much you will pay to have the soil removed. You may run out of money if you don't know how much you have to remove.

**Elizabeth Kulinich, VP RPM** said we have enough funds that is not for you to worry about.

**Kathy Hakke (74 Rockaway Ave)** Why can't we say no to all the waivers.

**Chairman Blair** said he would like to remind the board that this is a judicial board.

**Golda Speyer, PP** spoke about the waivers.

Next Witness

**Kenneth Dykstra**, He was reminded that he was still under oath. He talked more about the retaining walls and the C1- hardship variance. Ms. Speyer wanted more information on adding more windows. Mr. Merlucci spoke about the changes to the façade.

Mr. Dykstra said that the building is very attractive it is good for the environment. The property is zoned for this project. He feels there will be no detriment to the public good. He added that they will respect all requirements.

**Chairman Blair** opened the meeting to the public

**Rich Volpi (11 David Dr)** He wanted to talk about kids playing in the backyards and he is worried about the size of the walls. He feels that someone might fall off the walls. He feels his backyard will be unsafe. Mr. Dykstra said the walls will be constructed in tiers so it will not be straight down. Golda Speyer spoke about the walls and she said the walls will be a total of 33 ft high and the building will be a total of 37 ft high.

**Kathy Hakke (74 Rockaway Ave)** asked what the setback between the walls are? She also asked where all the water is going from the walls. Mr. Dykstra said it is discharging where it goes today.

**Omar Ruiz-(11 William Dr)** wanted to speak about the drainage system. He said Donatoni field gets flooded very easy. How can you prevent this? Mr. Dykstra said that the Stormwater management would help.

Chairman Blair Closed the meeting to the public

Chairman Blair open the meeting to the public for comments

**Rich Volpi (11 David Dr)** Mr. Mills sworn in Mr. Volpi. Mr. Volpi asked that the board vote against this application because it is the wrong location for the downtown. He said we should do a redevelopment of this area.

**Kathy Hakke (74 Rockaway Ave)** Asked the board to vote no on this application because there are too many unanswered questions.

**Alyson Reuben (8 David Dr)** I hope this is not going to affect use. This is very dangerous. Please vote no.

**Omar Ruiz- (11 William Dr)** My biggest concern is the large area of unknown. He thinks a large bond should be issued in case something goes wrong. This is a huge slope and I have 2 young kids. I hope they can play in their own backyard.

Closed to the public

**Alyse Hubbard, Esq.** said we are not seeking a use variance she went over the developer review. Ms. Hubbard said the board should definitely approve this application.

**John Mills,Esq.** He wanted the board to know that the governing body has designated this site to meet the affordable housing requirements. There are different points of view and there are the difficulties with the site. The board has heard everything. If the case should fail the application with apply to the court with builder's remedy lawsuit.

Chairman Blair requested a motion. Ms. Freiermuth motion to deny the application and this was second by Ms. Leonard. Ms. Freiermuth said that the steep slopes, bedrock and allot of soil disturbance to the area, as well as 33 ft wall when our ordinance is 16 ft. This project is not suitable for this site.

Board Member Barbara Koch want to speak against the motion. I do feel for the people having this in their backyard. However, I feel the applicant has presented a sound application. I know we are obligated to do affordable age restricted housing. It's the best solution for the town.

Board Member Janet Leonard said she agrees with Ms. Freiermuth.

**Golda Speyer, PP** said they are just looking for a preliminary approval it is not a final. They still have to come back for final approval.

Board Member Mark Howarth said a lot has gone into this and we do have an obligation to affordable housing. People are talking about if they hit bedrock the project is done. If we voted on it tonight as a positive, we have a say. They have to meet the criteria.

Chairman Blair called for a vote.

Aye to deny the application:

Ken Banbor- disturbing a considerable amount of the site and it is not in the best interest for the town.

Joyce Freiermuth- steep slopes, bedrock, too much disturbance to the site and the walls are too high.

Janet Leonard- amount of steep slopes and walls

Joseph Maulbeck- too many items still need to be addressed

Kim Rose- Steep slope and walls

Nay to deny the application: Ron Hamman, Bill Hopley, Mark Howarth and Chairman Blair.

This application has been denied.

Meeting Adjourn