

**REGULAR MEETING**

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

**READING: Open Public Meeting Announcement**

This is the Regular Meeting of the Wanaque Planning Board and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends and Herald News on January 25, 2012 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk.

**ROLL CALL: Vice Chairman Graceffo, Mayor Daniel Mahler, Councilman Cortellessa, Members Kevin Platt, Mark Reuter, Michael Ryan, John Shutte and David Slater.**

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

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

**MINUTES: from the March 15, 2012 Meeting**

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

**COMMUNICATIONS REPORT: None**

**APPLICATION STATUS REPORT (Engineer's Report): Nothing new to report.**

**NEW BUSINESS APPLICATION: Tree Service Business**

5, 14 & 16 Brook Street, Haskell, NJ

Owner of Property is North Jersey Tree Specialists LLC, 536 Newark Pompton Turnpike, Wayne, NJ 07470

Owner of Business is Bill Lowe Jr., 1410 Valley Road, Wayne, NJ 07470

**Testimony of:**

Richard Smith, 536 Newark Pompton Turnpike, Wayne, New Jersey

**Mr. Smith is the Owner of the Business, North Jersey Tree Specialists, LLC  
Mr. Lowe is the Real Estate Agent (Application filled out incorrectly)**

**Attorney Veltri questioned the owner what the nature of the business will be and how business will be conducted on site.**

**Mr. Smith stated I only want to park my trucks on site. On the property right now is a small garage that has a little bathroom in it, a one-bedroom house, which will stay, and a bigger garage. Eventually, I would like to tear that bigger garage down and put a new building up because the building looks old and I see cracks in the foundation. I would keep it the same size, just build new. This building would be used to fix equipment, such as, chain saws, and store supplies. Also, on rainy days, I could back a chipper in and we could change blades, and do maintenance on the trucks inside the building so I would not lose a full day because of weather. I have no intentions of keeping grass, mulch or firewood at the property. I sell the logs to other people to process firewood, etc. There is also a big parking lot with the property. It is a total of three acres.**

**The owner of the property used to be J.K. Roofing & Siding and he passed away and left the property to his son, Joe. I want to buy this property (not rent) with the intention of continuing to rent the house. The present owners also rent out the small and large garages, but I would want the big garage for myself.**

**Attorney Veltri questioned that there were multiple uses on the property. Mr. Smith stated yes; it's a mixed use.**

**Mayor Mahler discussed that the Borough has a Redevelopment Zone in this area. This means we are looking to bring a developer in who will hopefully buy all the properties, tear everything down, and build a new development. Since the fire that occurred two weeks ago, we are going to be pursuing this. We approved the area for redevelopment a few years ago, but because of the economy, the person who was going to be the developer at the time could not move forward on buying the properties because, if he built something, he would not be able to rent it.**

**Mr. Smith had no idea about this issue. He is looking for something to buy since he will be in this business for the next twenty years and would like to leave the business and property to his sons. He does not want to get involved in a piece of property that the town will eventually take over. It would cost almost \$2,000 a month for taxes on this property and he is presently renting property in Montville for \$500 a month. I dump all my chips and logs at this property and the owner processes and sells it and that's why I pay low rent. I also have equipment stored there. All I do is residential tree trimming and removal. I do not process wood and don't want to. If you are planning to take the property in the next two or three years, I don't want to buy a place, fix it up and then lose it.**

**Vice Chairman Graceffo questioned if there was a contract on the property? We have a signed agreement, but the agreement does stipulate that if things don't go well at this meeting, and I am told I cannot use the property as requested, I am out of the contract.**

**Councilman Cortellessa asked what are you going to do about your current location? I might keep the location since my brother shares it with me so we may keep it. I may just keep my log truck there because I drop the logs off there anyway.**

**Mayor Mahler questioned if there were any plans to put any materials there? Absolutely not. I do not want to keep any wood whatsoever there. I don't want to deal with firewood especially since there is no money in it.**

**Vice Chairman Graceffo stated that the point we are trying to convey to you is that there is a redevelopment proposal in, not that it is going to take place over the next year or two, but it is there with the hope that at some point, within the next couple of years, something will happen from Doty Road on South, which includes this property. If you were renting it, there wouldn't be an issue. But whether you buy it or rent it, there are some restrictions regarding owning a business in that area. If you were going to store firewood, mulch or other things of that nature, it is restricted.**

**Mayor Mahler advised that the town would not purchase the property, there would be a redeveloper who would negotiate and purchase the properties for fair market value. Mr. Smith asked what is the "fair market value" because even if I brought the property now, I would not want to lose any money when the time came and I had to sell it. I wouldn't even want to break even on it.**

**Fair market value could not be determined at this time, it would be determined at the time of the sale. Mayor Mahler offered an example of a calculation to come up with a fair market value and he also advised that the town is doing a re-assessment at this time and should be finished in the fall.**

**Attorney Veltri questioned what was on site right now. You mentioned there was a single-family home with a residential tenant. What other businesses are on site?**

**Mr. Smith stated there are two garages, but I have never been inside the one because the renter has a lock on it. It looks like a single-car garage with a little attachment, which is supposed to be a bathroom.**

**Are there any business signs or identifications? No**

**Attorney Veltri is not familiar with the site, but it sounds like there are mixed uses.**

**Mr. Smith said the real estate agent, Mr. Lowe, gave me a paper with, I believe, a site plan and that it said on it "mixed use variance", or something.**

**Attorney Veltri stated it is tough for this Board to approve a new business if we don't know what is permitted on site. We know you are in a B Zone and you are telling us there is a residential tenant in a detached home and two garages, which businesses may or could be run out of. It is kind of tough for us to give you an approval to run a business out of that site unless we know that someone, prior to you, got permission to have a mixed use on the property. We just don't have any paperwork showing they do.**

**Mayor Mahler questioned if the bigger garage had a restroom facility and an office? No, but I want to build an office in there with a bathroom and a kitchenette.**

**Did you tell this to the Building Inspection when you submitted the application? No.**

Attorney Veltri stated that now we have a home and a whole business going on the same site and I don't know if someone grandfathered that but, if they didn't, I think you would have to go to a different Board to get that approval; not this Board for this type of application. We don't want to communicate something to you to deter you from buying it because you could be right and the realtor could be right, we just don't have that information.

Mr. Smith stated he is not sure this is something he is interested in with the redevelopment. I have to put \$100,000 down on this and I'm buying it for \$210,000, with the owner holding the mortgage.

Attorney Veltri believes there has to be more investigation done, and Vice Chairman Graceffo believes both the Board and Mr. Smith need to get more information and we will continue this application to the May meeting. If you want to appear at that time to let us know what your decision is, and we can give you more information about what we know about this property. Attorney Veltri recommended that maybe the owner and/or realtor can appear with you. If the owner has a Resolution allowing the mixed use, please bring that with you.

**MOTION TO CARRY THIS NEW BUSINESS APPLICATION TO THE MAY 17, 2012 MEETING:** made by Member Slater, seconded by Member Reuter. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter, Ryan, Shutte and Slater.

**CONVERSION OF DEVELOPMENT APPLICATION**

**Property Address: Fourth Avenue, Haskell / Block 432, Lots 36 & 38**

**Owner: M&T Bank or its Successors and/or Assigns**

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

Let the record show no one is present.

Attorney Veltri advised that, at the last meeting, we denied this application without prejudice. We did receive a letter from Mr. Rubin asking us to extend the application through the April meeting (tonight's meeting). They are not present so I would recommend to the Board we do nothing and that the application remains denied, without prejudice. There is some information that suggests that possibly the bank will be selling this property between now and next month.

**MOTION CONFIRMING ATTORNEY VELTRI'S RECOMMENDATION THAT THIS MATTER REMAINS DENIED, WITHOUT PREJUDICE:** made by Member Reuter, seconded by Member Shutte. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter, Ryan, Shutte and Slater.

**PUBLIC DISCUSSION:** None

**RESOLUTION: None**

**VOUCHERS: None**

**MOTION TO ADJOURN AT 8:25 P.M.: made by Councilman Cortellessa, seconded by Member Slater. Carried by a voice vote.**

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**Jennifer A. Fiorito  
Planning Board Secretary**