

REGULAR MEETING

Meeting called to order by Chairman Foulon 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 the Herald News on January 13, 2013 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 Foulon, Vice Chairman Graceffo, Mayor Daniel Mahler, Councilman Dominick Cortellessa, Members Kevin Platt, Mark Reuter, Michael Ryan, Eugene Verba and David Slater

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi

MINUTES: from the November 21, 2013 Meeting

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

Chairman Foulon and Councilman Cortellessa abstained.

COMMUNICATIONS REPORT: None

APPLICATION STATUS: RSK Development

A. Michael Rubin, Esq., 1130 Hamburg Turnpike, Wayne, NJ

Attorney Rubin advised that he will be representing RSK Development with its application before the Board. I have been discussing this matter with Attorney Veltri and I am presently compiling a history of all the events that have occurred since 2002, which is when I filed the original application. I am trying to gather all the dates and documents of everything that has transpired. RSK Development has finally received the Highlands Approvals, which previously prevented him from doing anything on the site. The question before the Board is whether or not it is an amendment to the prior the application or is it a new application. In my view, there is absolutely no question that it is an amendment of the prior application because the site plan remains in effect because there is no expiration date

on a site plan according to New Jersey Law, especially since the zone has never changed. I am putting it all in writing to Attorney Veltri for him to review with a copy to Attorney Fiorello since he did the Developers Agreement, which was recorded in either 2004 or 2005. RSK Development is now coming before the Board to amend his plan pursuant to the changes that the DEP requires. It is a smaller footprint, a smaller impervious area and those are really the only changes. It is still an eighteen-unit development.

Attorney Veltri confirmed everything that Attorney Rubin said was accurate. I also have a letter dated December 17, 2013 from prior counsel extending this discussion to our January meeting.

Vice Chairman Graceffo asked Attorney Rubin if he was planning on submitting new plans of the actual construction since the site is going to remain the same, but the buildings are going to be somewhat different in size. Attorney Rubin stated it is a shrunken development from what was previously approved because of the Highlands Act. The Highlands Council (DEP) gave RSK Development approval based upon a new plan which shows less impervious surfacing, smaller buildings and smaller units and that is the only way they would approve the development. The 18 units are still there, but it is a more compact, smaller development.

Vice Chairman Graceffo commented that these changes, from my view, are different from what we approved in terms of a site and now, because it has been reduced in size, we should see an entirely new site plan, correct? Attorney Rubin stated no, it is an amendment to the prior approval and I think the law is that my site plan is legally sustainable and it is what you start with. I don't believe I have to start from day one and start talking about all of the things we already did in five or six hearings, maybe even more. Vice Chairman Graceffo questioned Attorney Rubin if he knew if any of the elevations on the plans have changed? Attorney Rubin doesn't know.

Attorney Rubin will appear at the Board's next meeting to discuss this matter further.

NEW BUSINESS APPLICATION: International Forge, LLC

Property Owner: Prodani Group, LLC

Property Address: 14 Doty Road, Haskell, NJ

New Tenant: International Forge, LLC

Attorney: A. Michael Rubin, Esq., 1130 Hamburg Turnpike, Wayne, NJ

Attorney Rubin stated we are here again for a continuation of the application for a new business. Prodani Group owns the property and International Forge wishes to come onto the property utilizing not quite 50% of the building, but somewhat less, in a condominium fashion. When we were last here, the Board had some questions and wanted some issues resolved including sprinkling of the building and outdoor storage.

Attorney Veltri swore in the following witness:

Peter Dorne, Architect – I have been in practice since 1992 and have licenses in California, New Jersey, New York, Pennsylvania, Mississippi, George and Connecticut. My New

Jersey license is in good standing. I also am a Construction Official and have an HHS License, Mechanical Sub-Code License.

Mr. Dorne testified that, when I went to inspect the property I also brought with me Jack Boekhout, who is one of the most foremost guys in the States for understanding fire suppression and buildings. The building is a condominium so it does not have to be separated. The sprinkler system goes throughout the building and it was tested earlier this month and was approved. It is an F1 Building that is one story so the system that is there and has been for a number of years is perfectly fine.

Member Platt questioned Mr. Dorne that since the building is shared, what happens if the owner in the front, where the main system is, doesn't have the system tested properly, who would I cite as the Fire Official in the Borough? Mr. Dorne stated he didn't know. Chairman Foulon stated, to be safe Kevin, we cite them both and let them figure it out in court.

Member Slater asked out the fire wall and it being sufficiently constructed. Mr. Dorne stated he thought everything there was sufficient. Again, I just didn't leave it up to me to inspect. I also brought someone with me who I felt would be recognized as one of the best in the State.

Attorney Rubin stated we presented the Board with a site plan dated December 9, 2013 that was prepared by Christopher J. Aldrich and it shows the proposed material storage area in the rear of the building. As you know, the rear is abutting the property where the power station is. We have also shown the parking spaces. After the many discussions about Lange Avenue, it does not exist and is a paper street. We are not using it since there are too many issues. If the Board has any questions, I do have the owners of the businesses here tonight.

Attorney Veltri swore in the following witnesses:

Michael Nestico, Principal of International Forge, LLC

Steven Riviere, Partner with Michael Nestico in the stone application of the iron and stone businesses.

Chairman Foulon questioned the size of the material storage area and how high is it going to be? Mr. Nestico stated 15' x 100' and the height will be, at a maximum, 5 feet.

Engineer Cristaldi questioned how big are the trucks that deliver? Mr. Nestico stated that he has a small flatbed that takes stuff out, and then we will have eighteen wheelers coming in there. I believe the tractor trailers are going to have to back in and back out using Doty Road.

Mr. Riviere stated that we have directed all delivery trucks to stay off of Greenwood Avenue. When they come off the highway, they are to take Ringwood Avenue to Doty Road. The drivers are instructed to drive past our building, back in, get unloaded, pull out, go to the traffic light and drive straight through-no turns at the light. We have a plan

written down for all our drivers. We may get a delivery once or twice a week with the tractor trailers.

Attorney Veltri, referring to the November Minutes about the storage area, there was testimony given that it will be approximately 8' deep off the fence line, and now I am looking at the plan and it looks like it is 15' off the fence line. Mr. Riviere stated that when the material is put up against the fence, it is usually stacked two or three deep, which is anywhere from 8' to 10' deep. For the most part, material will be 8' to 10' off the fence line. Chairman Foulon stated lets go with the 15' since that is what is on the drawing. Engineer Cristaldi noted that there is an asphalt curb, marked on the plan, between the fence and storage area, so the area is really not off the fence line but maybe 4' from the fence line, so you would be 20' off the fence line. Mr. Riviere stated it is really up against the chain link fence and I think the 15' off the fence is going to be pretty accurate. The curb is within a foot of the fence line, and the curb that is there is an asphalt curb that is put on top of asphalt and like fifty percent of it is missing anyway, so it is almost non-existent.

Engineer Cristaldi stated we will say the storage area is 16' off the property line (one foot off the property line for the curb that is there plus the 15' for the storage area) and extends 110' in width. Everyone is in agreement.

Attorney Veltri questioned how many parking spaces are on site? Mr. Nestico answered 27. Attorney Veltri stated we had testimony saying it was 48 on the site. Mr. Nestico stated there were no spaces delineated so the engineer said this is what should be on there. Attorney Veltri stated that the prior testimony of 48 is wrong, that there are only 27 spaces, as delineated.

Vice Chairman Graceffo stated we asked that they indicate where the spaces would be because that was part of the problem.

Mayor Mahler asked how many employees? Mr. Nestico believes there are about 20 between both businesses.

Vice Chairman Graceffo asked about the wall dividing the two companies. Is there wall still there? Mr. Nestico stated the wall is still there. It is shown on the architectural plan, not on this plan.

Member Reuter stated there were some provisos in the Minutes from last time. Has everything been taken care of satisfactorily, i.e., New Business Application, construction would start, our Building Inspector is satisfied? Attorney Rubin stated "yes", all of that has been taken care of.

Member Reuter asked Attorney Rubin to give an update on the condominium arrangement. Attorney Rubin advised we have all the condominium documents prepared. The new occupant will have a little under half of the floor space and Prodani will have a little bit more than half with its current manufacturing process that will remain in place. We are ready to proceed and file all documents once we get the Board's approval and the bank's approval.

Mayor Mahler added the following conditions for approval: that they paint the stripes for the parking spaces; and no unloading trucks on public streets.

MOTION TO APPROVE NEW BUSINESS APPLICATION: made by Councilman Cortellessa, seconded by Member Ryan. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter, Ryan, Verba and Slater.

NEW BUSINESS APPLICATION: Veterinary Practice

Property Owner: Peter & Cathy Duvaloois of Saugerties, NY

Property Address: 1429 Ringwood Avenue, Haskell, NJ

New Tenant: Michael Morris, 62 Hamburg Turnpike, Riverdale, NJ

Michael Morris has been a veterinarian for 32 years. I have been in New Jersey 20 years and used to own North Jersey Animal Hospital. I have had my practice in Riverdale for 7 years and have 3 veterinarians. We are looking for a little bit more room and are looking at this building for a second location. We presently have 8 employees, including the 3 veterinarians. Some of our employees are part time. There are usually 2 veterinarians on at a time and then 2 or 3 employees working with them. We would only have 1 veterinarian at this location.

Dr. Morris stated he really thought the property was much bigger until he got the survey and I thought there would be adequate parking. All the property in the front of the building is not my space, but people are obviously going to pull in there. I think the State of New Jersey owns that gravel portion in front of the property. It is a great location and my purchasing the property is based upon receiving approval from this Board. It is a very nice set up for me since I have to do minimal things with the building. I wish it had more parking but there may be some options for us. We could ask the nursing home for a right of way for use of the lawn. My understanding is that when this two-family house was rented, the tenants would park on that lawn and nothing was said to them. I think they would be willing to give me an easement on that and allow us to park there. There is a little bit of room to park behind the building for the employees, and there is also some room on the side. I believe this is a good use for the building and it would work for us.

Chairman Foulon stated we want you to be part of our community and we are trying to find out ways to do it. But there is definitely problems with the parking.

Attorney Veltri stated you have a permitted use and nobody objects to the use. From what the building inspector wrote to us, you have a parking issue. You need 8 spaces and you have 4. We can't grant you a variance on this type of application. You have to apply for that variance to a different Board. We are not saying you shouldn't get it or you won't get it. We are saying we can't give you a variance, especially without notice to the public, and then you would have to put some testimony on the record to support your claim for the variance. If the board agrees with you, they'll grant the variance and you will get your approval. If they don't, you will be denied.

Wayne Johnson, the architect, asked if they could do tandem parking on the north side of the property, would that be acceptable to the Board. I think we can get 2 there in a tandem fashion and for employees that would be an acceptable scenario.

Since this isn't a problem with the Board's Engineer, Chairman Foulon advised that tandem parking would be okay.

Vice Chairman questioned if there was enough room in the back to pull around. Dr. Morris stated it would not be the safest scenario. The bank drops off really fast there for the lake.

Mayor Mahler questioned if they would have to go to the County since it is a county road. Mr. Johnson said DOT as well. Mayor Mahler questioned who owned the piece of property between Ringwood Avenue and the building? Chairman Foulon stated we are assuming it is the State's property. Engineer Cristaldi questioned if there was an easement to cross the property. Mr. Johnson stated the gravel in the front is part of the right-of-way according to all the documents we have found, and he is not sure if it is the county's or state's property. The last survey on the property was from 1930 and a lot has changed since then.

The Board Members and Professional were discussing options because of the unknown owner (county or state) of the property in front of the building and if easements were on file to use the property.

Chairman Foulon recommended that Dr. Morris get an attorney and he will know what to do. You need a site plan showing the ownership of all the adjacent properties and if there are any easements or right-of-ways to show if you can get in and out of the property. How do you get across the state or county owned property?

Per the site plan prepared for this application, Engineer Cristaldi stated that it looks like the state owns a strip of property between the county's roadway and this property. Usually your property is right up against the roadway right-of-way so you are leaving the roadway right-of-way directly to your property. Here, you are leaving the roadway right-of-way, crossing onto this strip of an unknown owner, into this property.

Attorney Veltri stated to Mr. Johnson, since you prepared this site plan, you should know it is a variance application because you should know what the permitted parking requirements are and what you have on site. Mr. Johnson stated we did not have clarity on what parking requirements were because this particular zone is very peculiar in that it does not require a lot of things, one of which there is no definition as to what type of sign can go on this piece of property. Attorney Veltri questioned if the parking was calculated per the ordinance? Mr. Johnson stated it was very vague as to what the understanding is and we were depending on the construction official to assist us in what that requirement might be. Until tonight, we were not aware of what it was.

Attorney Veltri stated this is a very confusing situation. However, what we are trying to convey to you is that we don't think this is the proper application or forum for this approval. We think you have to apply for site plan and variance application which will go to the Board of Adjustment and, because it is a county road, and it impacts the ingress/egress of the property, you need to get approval from the county as well.

Mr. Johnson stated his understanding as to how this might be interpreted is, if we could get the required 8 spaces, we would not be required to go for a variance. Attorney Veltri stated that would be up to the Building Inspector because he will issue you a denial letter or send it back to us for a c.o. approval.

Engineer Cristaldi stated your map shows that you don't front directly onto Ringwood Avenue. There is a right-of-way that belongs to the NJDOT. A right-of-way is not really an easement, it means they own it. There is also another right-of-way shown by a black line in front of that dated 2/22/85. Mr. Johnson stated he thinks that line has to do with road widening but it is something they would also have to look into.

Attorney Veltri reiterated that no one here doesn't want this business, but we are trying to help you get it through without more confusion.

Dr. Morris questioned if we can get 8 spots on this plan, can we submit it to the Building Department and see what they say? Attorney Veltri stated yes, but you should inquire about the County's site plan approval process because this is a county road and you are impacting the county road by what you are doing and they will see the construction going on.

Chairman Foulon stated that right now this is a New Business Application and if they conform with the parking then it is still a New Business Application. I don't know of any of our New Business Applications that went before the County. Engineer Cristaldi stated that the minute they go to put any kind of driveway or curb cuts in, the County is going to stop them. Dr. Morris advised that the only construction they would be doing is inside the building nothing outside on the property. The parking area is gravel and we won't be paving it. If we put any asphalt on the property, it may not work with the County so we would have to get approval from them to pave and stripe the parking area.

Attorney Veltri stated that the way this site plan has been presented tonight, we can't grant you a c.o. because of the variance for the parking. We have given you suggestions about where we think this would go; possibly that it is a site plan/parking variance type of application and you need to inquire with the County on what their requirements are. That is your focus and what you need to resolve. My opinion is this Board cannot act upon this application tonight the way it has been presented.

Mr. Johnson questioned that, should we provide the 8 parking spaces on this property and appropriate evidence for what the right-of-way is, do you have the ability to consider this application? Attorney Veltri stated it first depends on the Building Inspector since he is the Administrative Officer that makes that preliminary decision, but I am a little troubled if we don't have marked spaces on site since that is not how I operate as an attorney and I

caution my Board to look at that carefully. They will vote on the application but I won't. Clearly, what is on the site plan, should be marked on the site and that is pretty much the way I have always handled zoning applications. If we don't, it becomes a colossal confused situation, not only for you but for future purchasers and we never really have a handle on the site.

Dr. Morris thanked the Board for their assistance.

NEW BUSINESS APPLICATION: Electronic Cigarettes & Accessories

Property Owner: David & Mary Johnson

Property Address: 1087 Ringwood Avenue, Haskell, NJ

New Tenant: Vapor 22 LLC, 555 Main Street, Hackensack, NJ

Michael O'Brien, 585 Navajo Trail, Franklin Lakes, NJ

Ed Hittinger, Cliffside Park, NJ

We are the partners in the new business. Mr. O'Brien stated that they will be selling electronic cigarettes. You can find these electronic cigarettes in 7-11 or a convenience store, only we will have more variety and higher quality. We will have opened seven new businesses in the last six weeks (Route 1&9 in North Bergen/Route 10 in Randolph/Route 17 in Paramus/Rt. 22 in Watchung/Rt. 46 in Little Falls/Rt. 59 in West Nyack/ & hopefully on Ringwood Avenue in Haskell). E-Cigs are the electronic cigarettes and E-Liquids is the liquid you put in the electronic cigarettes. Chairman Foulon stated they are all over Florida.

MOTION TO APPROVE NEW BUSINESS APPLICATION: made by Vice Chairman Graceffo, seconded by Member Slater. Voting yes were Chairman Foulon, Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter, Ryan, Verba and Slater.

PUBLIC DISCUSSION: None / No one came forward.

RESOLUTION: None

VOUCHERS: submitted by Steven Veltri, Esq. for attendance at the December, 2013 regular meeting for \$300.

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

BOARD DISCUSSION:

Chairman Foulon advised that Greentree/Parkside is looking into taking over the U.S. Aluminum property and possibly duplicating what they did at the candle factory. We are going to have a meeting on it shortly after the first of the year and will advise.

Mayor Mahler advised that there was a meeting with Mr. Rodriguez last night about his project on Mountain Lakes Drive. He has tax appeals for years from 2008 through 2012 so we talked about his tax appeals and him finishing the project. He is actually now interested in finishing the project. He may be afraid that the extension act ends December 31, 2014 and, unless the Governor signs another extension, he has to start up. He has all his approvals. He may have violations where that stream is, or where that bridge is, but he has his approvals to build from the Highlands.

Chairman Foulon questioned on where does he stand as far as the sewers and the big building that is up? Mayor Mahler stated they gave him a list of things the borough wants him to do. He either has to tear down the building and start again, or he has to finish the building. This is up to the building inspector whether that is a habitable building. Chairman Foulon stated that he should be made to do that first and the three houses before he starts anything. Mayor Mahler stated that Mr. Rodriguez was told he has to finish phase one before he puts a shovel in the ground to start phase two.

Vice Chairman Graceffo asked if we could ask him to prepare a whole new plan trying to give him the same amount of units but with a different plan altogether?

Engineer Cristaldi answered that this may mess his permits up.

Mayor Mahler stated that we would like him to come in with a different plan for the condominiums. He is approved for 47 units. One of the hints/recommendations we gave him is maybe we can steer him towards some developers who might want to build the condominiums (maybe Greentree/Parkside) and another developer to build the 13 homes. This way, Rodriguez could concentrate on phase two. He has approval for 128 single family homes and 47 condos. The original approval from 1986 was 151 single family homes and 60 condos. After Rodriguez sued the Borough, the judge picked the 128/47 numbers. The one thing the court didn't look at is that he abandoned the project in 2002 and when the Highlands Act was enacted, he hadn't filed certain permits so he lost his approvals and then he sued. However, the DEP filed an appeal but never contacted anyone from Wanaque to testify and/or turnover documents, even though I wrote to the DEP in favor of the appeal since I was against the development.

Councilman Cortellessa questioned why the borough was against the project? Mayor Mahler stated in around 1986 one of the Board's approved the development. Chairman Foulon stated that, he was on the Planning Board then, and we were court ordered. We were sued by the original owner of the property, Scirro, who wanted to build a nursing home and we wouldn't give him final site plan approval. We felt there was no need for a nursing home and it wasn't a good application for that area. Scirro sued us and he came back with this plan and it was all condos at the time. We turned it down, he sued us and the judge told us we had to let the man build whatever he wants.

Attorney Veltri stated that all of these old approvals that were not built, always come back. You need to understand the basic law. Once a site plan is approved, it is good. There is no time limit on it. There are time limits that apply only if the municipality changes the zone or the zoning ordinance that was the basis of the approval. To trigger that and say to these developers when they come back, your approval is no good, it has expired, you needed to have changed the zoning ordinance that was the basis for the approval. If you don't change the ordinance and they come back and say it is ten/fifteen years later and they want to build, you can't go back and say, you have to start again, because they'll say the zoning ordinance that was in effect when I got the approval, is still in effect. Also, you just can't change all the ordinances. The problem is you have COAH problems. So you have an attorney dealing with COAH saying look we have x, y and z and even though we don't want it, that is his case. That is what he uses to help Wanaque in the forum. Even though we sit here and question how did we ever approve a development, we did it because the ordinances were approved and these guys come in, especially for RSK, who had a minor variance but his plan fit our ordinance perfectly. As planners, we may hate the plan, but since he had no variances, how do we deny it, and this ordinance is in effect for ten years and now he comes back and things have changed a little bit, but we never changed the ordinance.

Mayor Mahler stated with RSK, we had a planner, Jill Hartman, who stated "let's make this a COAH site" and she talked us into making it a COAH site since she believed no one would ever build there and we made it a COAH site and two months later this guy comes in and buys it.

Attorney Veltri commented that it has been eight years, did we change the ordinance? No, we couldn't but why. Not because we were negligent, but the applicant was pushing COAH. Now the guy comes back and we don't like the plan, but there is still nothing we can do because the ordinance has not changed.

Councilman Cortellessa questioned, even though he has the prior approval, can we still change the ordinance? Attorney Veltri answered there is a two year protection period in the statutes. If we changed the ordinance three years ago, we could have him comply with the new ordinance.

Mayor Mahler questioned if we can make him upgrade Mountain Avenue, Park Street and all those streets leading into the development? Chairman Foulon believes we did that with his approval. Attorney Veltri stated we can stand on everything that we put in the original approval. However, he will tell us the State tweaked the approval, so now I have to come back to the Board with the changes that still don't impact your ordinance but I need you to approve the changes mandated by the State.

Councilman Cortellessa questioned if density was the only element we don't agree with? Chairman Foulon believes there were some slope ordinance issues. Engineer Cristaldi stated the Highlands made him move further away from the slope and a stream and that is why he had to shrink down the size of the units.

Chairman Foulon said he will be building the same number of units but each unit is going to be smaller. Engineer Cristaldi said that because the units got smaller, he was able to shrink the whole disturbed area.

Vice Chairman Graceffo commented that the elevations that he provided to us are ugly, but I don't remember what we previously had in 2002. Engineer Cristaldi stated that maybe you can do something with that since he changed the size of the building, maybe you can take another look at the elevation.

Attorney Veltri stated that matter is coming back probably for a limited review based upon the changes and we need to look at the ordinance which we all didn't like when it was approved, but because of the pressure on the COAH end, the town passed it.

Vice Chairman Graceffo stated that COAH has been basically ineffective for the last four years and still no movement going forward.

Attorney Veltri stated we may want to get a briefing from our COAH attorney on where we are at and what we should be doing from a planning perspective. He may not have those answers, but I would be interested in hearing what he has to say.

Member Reuter stated he has previously brought up the issue about reviewing our ordinances and is there something definite we should be looking at and what other problems do we have? Vice Chairman Graceffo questioned what zoning laws should we be changing so we don't get stuck like this again? Attorney Veltri stated in order to answer these questions accurately, I think we need to understand where we are at with the COAH requirements.

Member Reuter stated I brought this up in the context of the Industrial Zone, which is a little different than this particular case. We talked about do we want a tattoo parlor, and in what part of town because we have no real choice. If someone is going to put one in town, it is more about where we would control it, not whether, and a proactive review of trying to direct certain businesses to a place that we would tolerate, I believe, is the function of this Board.

Attorney Veltri agreed and described what normally happens in many towns. No one from a planning perspective looks at anything until we have to re-examine the Master Plan and then we flip it over to a Professional Planner, who then reports back to us and tells us everything we already know and maybe makes a couple of suggestions. Very few Planning Boards, although they should, actually examine the map and one thing we don't have here, which may come back to haunt us, is really consolidating the industrial area and maybe putting all the uses that are unattractive in a certain tract of land so that if someone comes in and says I want to put in a tattoo parlor then they will need a use variance because we allow that "in a certain property".

Member Reuter stated since last meeting he has been driving around town and the problem we have is that right next to every industrial site is a house. This whole town is like that, and so what we are going to wind up doing is getting someone mad by rezoning right around or over their home. Mayor Mahler stated if your home is there, then you are a permitted non-conforming use until you tear the house down.

Attorney Veltri referred to the first business application heard tonight where the building was used as an industrial site for years, yet it is not in an industrial zone and this is a perfect example of why, when the Master Plan was redone, that area should have been industrial.

Member Reuter stated it seems like we have started this process on Union Avenue. Mayor Mahler stated we have done two redevelopment zones. We did one for Union Court and

one for the property between Greenwood Avenue and Rapp's property. Chairman Foulon also stated we got involved with the town center designation, which we really wanted the federal funds to do that, but in order to do that, you had to change some of your zoning.

Attorney Veltri stated the way we are driven is, if there are applications pending, we meet. If there are none, we don't. Maybe you would want to meet, even when there are no applications, and review these issues. You can re-examine the Master Plan whenever you want; you don't have to wait the seven years. Chairman Foulon remembers doing a full reclassification in 1982. We did have a meeting a few years ago(2006/2007) with the Building Inspector, Tom Carroll the planner and other community members and went over zoning changes, retaining walls, etc., but nothing was ever done. Not a single ordinance came out of it. We can only recommend. We should look into doing a meeting just for this purpose.

MOTION TO ADJOURN AT 9:35 P.M.: made by Member Slater, seconded by Member Ryan. Motion carried by a voice vote.

Jennifer A. Fiorito
Planning Board Secretary