

SPECIAL 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 a Special 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 on May 20, 2012 and The Record on May 17, 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 and David Slater.

PRESENT: Attorney Steven Veltri and Engineer Michael Cristaldi.

ABSENT: Chairman Gilbert Foulon and Members John Shutte and Eugene Verba.

MINUTES: from the April 19, 2012 Meeting

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

COMMUNICATIONS REPORT: None

APPLICATION STATUS REPORT (Engineer's Report): A new application should be coming in for the Old Candle Factory Property on Fourth Avenue in Haskell.

REVIEW OF ORDINANCE 18-0-12 – AMENDING ORDINANCE 2-0-06 ENTITLED “ESTABLISHING A REDEVELOPMENT PLAN AND DESIGNATING THE COUNCIL OF THE BOROUGH OF WANAQUE TO ACT AS THE REDEVELOPMENT ENTITY FOR THE RINGWOOD AVENUE MIXED USE REDEVELOPMENT PROJECT”

This Ordinance has been introduced on 5/12/2012 by the Mayor & Council and refers to the area South of Doty Road, in and around the area destroyed by fire.

Presentation by Bob Benecke

Bob Benecke of Benecke Economics.

Benecke Economics is a group of planners, financial advisers and redevelopment experts operating mostly in New Jersey and Florida, and we represent the Borough on this matter. We have prepared a memo to guide the Planning Board on two matters. The first matter is the refreshment of the study designating the area in need of redevelopment South of Doty Road along Ringwood Avenue in the vicinity of Block 437 and Block 436. The second related matter is the redevelopment plan, which the Vice Chairman read the title of.

In January 2008, the Planning Board adopted a Resolution designating 31 properties South of Doty Road along Ringwood Avenue as an area in need of redevelopment. At that time, the Borough Council did not confirm, declare or determine that these properties were in need of redevelopment. With the fire in April, the administration asked us to return to that area to see if a redevelopment plan could now be put into place. It is our policy, based upon the sifting sands of redevelopment in the State of New Jersey, and the State Laws and Best Practices, that when a redevelopment designation by the Planning Board or Council is greater than 2 years old, that the plan and the study be refreshed, re-examined and reviewed. We are here today to take you through the properties, which are only 9, and to ask you to confirm the designation of these 9 properties, which were part of the original 31 properties, with one exception, as an area in need of redevelopment and then to consider the redevelopment plan which was introduced by the Borough Council.

The May 18, 2012 memo submitted to the Borough, on page 3, provides you with the Blocks and Lots of the properties. Block 436, Lots 2, 4, 4.01 and 4.02; all these properties are along Brook Street and run parallel to Ringwood Avenue intersected by Pierce and Doty Road. Block 437, Lots 1, 1.01, 3, 5, 6, and the merged parcel of Lots 9 and 10 are located on Ringwood Avenue.

Since late 2007 and 2008, when two extensive hearings were conducted, some procedural issues have changed with respect to redevelopment. One is we have Highlands, even though Highlands has had some press and media that says it is lightened up, we still have it. Highlands is a stickler for vacant land redevelopment protocols. Block 436, Lot 4 is essentially a vacant parcel. If that parcel would be cleaned up, it would no longer be in need of redevelopment and would be excluded from the list. It was excluded from the designation of 2008 because of that similar reason, but we now have the added reason of Highlands. Highlands also has a restriction generally that 70% of the properties that are designated in an area in need of redevelopment must have impervious surface coverage. We are proceeding through Highlands with a petition for plan certification and conformance, which will re-designate our Town Center. The second issue is that the Department of Community Affairs reviews all of these matters more seriously now if you are not in a Planning Area 1 or metropolitan area. We are not in a preferred planning area so we have to file our documents with the DCA in a more rigorous manner. The third issue is a series of cases that have evolved over the last couple of years where, if a homeowner has a property right, or some vested interest in a property where they live, we do not recommend designating that particular parcel in an area in need of redevelopment, without a written tacit approval. Any parcel of property that has a homeowner occupant,

i.e., they live on the property, even if it is a commercial building with an apartment that they live in, than that parcel should not be considered an area in need of redevelopment in the normal course of business. We recommend the Council do not even adopt a Resolution asking, requesting or directing the Planning Board to investigate those properties.

The purpose of the particular study outlined in the memo, is to refresh the report from November 2007 and the final draft of January 2008, which the Planning Board did affirm. The Resolution is attached to the memo as Exhibit B. We also provided updated pictures in the memo. The new pictures show the properties destroyed by the fire and the current state of the properties, particularly along Ringwood Avenue.

The picture of the property known as Block 436, Lot 4 (page 8 of the memo) shows a semi-trailer that is off its wheels and is imbedded into the ground with some other vehicles attached to it. The intent is to have that property and the use of that land cleaned up. If that structure is removed and the property is cleaned up, it does not qualify as an area in need of redevelopment because it is simply vacant land.

The Ordinance provided to the Board extends the Service Business District South of Doty Road. It is the same Service Business District (“SBD”) that the Haskell Towne Centre is operating under and built under. The SBD now goes from South of Doty Road to Pierce. That SBD includes one difference from the Standard SBD North of Doty Road and that is a residential component is encouraged at a ratio of one-to-one square footage between commercial and residential, and that is a conditional use (refer to Page 4 of Ordinance 18-0-12, Section 4.)

We just received new tax maps from Tom Carroll today and we will be re-doing our mapping based upon the new tax maps and they will help a lot with clarity and clarification of the Blocks and Lots as we go forward.

Questions/Comments For Bob Benecke

Mayor Mahler wants to clarify that an owner occupied residence is within the Block, but not the Zone, they can elect to be in that Zone. Mr. Benecke advised they could elect or request, in writing, to be part of the redevelopment area. We provide that as a separate Council Resolution to the Planning Board and, if the property owner is so inclined, and does want to do that and achieve that end result, we ask them to appear at the Planning Board with a letter requesting their designation and the reasons why. It is more than just a casual letter or statement. It has to be more of a legal instrument.

Vice Chairman Graceffo questioned that the purpose of this new Ordinance 18-0-12 is to really identify specifically 9 of the previous 31 properties that were in the original redevelopment?

Mr. Benecke advised it actually extends the SBD to those 9 properties and, again, would exclude by definition Block 436, Lot 4. The refreshment of the study (memo) is also affirming your action in the January 2008 Planning Board Resolution saying “yes” that

these 9 properties, part of the 31, still have certain conditions and are deserved to be in an area in need of redevelopment.

Vice Chairman Graceffo asked about the remaining properties that were initially placed in the Resolution of 2008.

Mr. Benecke stated those that are homeowner occupied don't qualify, in our opinion, in any way shape or form right now. The Council, at their discretion, would take the remaining 18 or so properties, and they could do the same thing by adopting a Resolution and send it to you for investigation and refreshment of the prior study. Every six months that goes by, the study from 2007/2008 becomes more stale-dated and more work would have to go into a further study to identify the requirements per the statute. The issue that gets us here pretty quickly is the fire. If there is another fire, flooding or another catastrophe, then we could be here quickly again regarding those remaining 18 or so properties. If nothing more happens, then we would have to do more work to refresh that prior designation by the Planning Board.

Councilman Cortellessa questioned that originally there were 31 properties, now we are going to 9, what happens to the 22?

Mr. Benecke stated there are probably 18 because a few of those properties were owner occupied and they stay in abeyance. The Council would have to adopt another Resolution requesting a similar hearing to be held, noticing the property owners of the refreshment of that prior designation for those 15 - 18 properties to be designated as an area in need of redevelopment.

Vice Chairman Graceffo believes this new Ordinance is really pulling out the area of the community that has been impacted by the fire and not really changing the intent of the community to develop South of Doty Road. We are now specifically identifying these 9 parcels to try and move forward to change what we want to see improved along this section of the roadway, but at the same time not really doing anything additional from the previous Resolution, unless we need to go back and re-examine that again.

Tom Carroll, Borough Administrator agreed with this statement. All the properties that are leftover are owner occupied so they don't meet the criteria. The 9 properties meet the criteria out of what was done in 2008. What this does is provide the zoning to begin the process of bringing something new and creating a vision for the property South of Doty Road. As we go through the process hopefully the economy changes and we develop interest, these properties would have already had the redevelopment zoning in place that also provides a signal to developers that the Borough would be willing to work with them going forward and would not preclude a developer to speak to those property owners who are outside the redevelopment area to participate and come to a financial agreement.

Vice Chairman Graceffo asked if the community could be given some understanding of the Ordinance being presented as to what types of buildings could possibly be constructed in that redevelopment area.

Bob Benecke stated that the redevelopment plan, has as its underpinning, three specific foundations. The first was talked about already and that is there would be allowed a residential use provision in the buildings as a conditional use, meaning that to have a residential parcel/use, you would have to meet a condition, which would be that you have to

have commercial space or retail space. The second is that there is a prohibition on the use of a property as a storage facility, including but not limited to, vehicle, tool, equipment, garden supply storage or warehousing, whether interior or exterior space. The third is to require all new construction to have fire sprinklers and this is a specific request of the Mayor. If you were to take the Haskell Towne Centre in relative scale from Doty Road to Pierce, with one or two carve-outs, set back from the road, you would have the type of building that we would envision to be built. Maybe not as symmetrical or as large as that building, but in that type of scale, so you would have a small version of the Towne Centre sitting on the corner of Doty Road where the parking lot is and going down three or four parcels with a two or three story building with some residential use over store-front type uses or office space on the first floor. Also, possibly with a smaller building towards Pierce. Along Brook Street maybe have some sort of mixed use but it would be limited to the two parcels off of Doty Road on the western edge of Brook. We would anticipate any third floor of a building would be set back. The front of the building would be street level, then the top level would be set back 12 to 18 feet so there is no big massive building view right along Ringwood Avenue. The further something is set back, the better visually it would look.

If the parcels in the middle of Ringwood Avenue between Doty Road and Pierce wanted to participate and sell at arms length to a redeveloper, that would be within their right and then we would ask the Planning Board to consider extending the SBD to those middle parcels as well, whether it be part of redevelopment or not.

Ringwood Avenue to Brook Street is 200 feet.

Towne Center is approximately 300 feet back from Ringwood Avenue.

The purpose of the Redevelopment Ordinance is to allow for a five-year tax abatement for any improvements. When the properties are improved, not the land value, but the improved value could be subject to a five-year property tax phase in (20-40-60-80-100), so that as the owner of the property improves it, or redevelops it, and the tax basis is improved, they get a potential tax abatement. Basically, when a property owner invests in their property in a redevelopment area, they do not get taxed immediately. It gets phased-in over the course of five years.

The Council has introduced this Ordinance, but the Council cannot vote on it until after the Planning Board votes. The Resolution requesting the Planning Board to re-investigate was adopted so you would need to affirm that these 9 parcels are still in need of redevelopment and then you can either recommend changes or recommend adoption of the Redevelopment Ordinance.

Member Slater stated he visited the properties on Brook Street and you can't describe all the haphazard items on these properties. There are temporary buildings, garages with extensions, the parking area is full with construction trucks, landscaping trucks, tree cutting trucks, and trailer/container. Mr. Beneke explained that the property known as Lot 4, which is at the terminus of Brook at Pierce is the property that is more problematic. It is vacant property with semi permanent structures on them that is in clear violation of any property maintenance code or valid use and that would have to be cleaned up. Once it is cleaned up, it becomes vacant property and does not qualify any more.

Everyone agrees these properties need to be cleaned up and this gives the Borough additional means and enforcement powers to do so.

Vice Chairman Graceffo opened the matter to the public and specifically first to the property owners who are directly affected in this redevelopment proposal.

MOTION TO OPEN PUBLIC DISCUSSION: made by Member Ryan, seconded by Member Platt. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter, Ryan and Slater.

Edward Marsh, 12 Greenwood Avenue, Haskell

Commander of the American Legion Post 246 (Block 437, Lots 9 and 10)

When this matter was brought about previously about 4 years ago, the Legion was in favor of going along with the plan. At this point, we are in the process of putting in new floors and bathrooms. We don't know why we are involved now when both houses on the sides of us are not involved. We do not wish to give up our property for any reason unless the town will build us a new building. Mayor Mahler mentioned that there was an agreement with the previous developer to do something along those lines, and I am sure whoever comes in would probably have something similar in mind to work with the Legion.

I think it is a great thing that you are trying to do, but I don't understand a lot of the language of what is going on and why we are involved. This does not affect me as an individual, it is the American Legion as an organization. We don't wish to move.

WWII veterans built this building in 1953 and we are trying to update the interior of the building with donations. We put down new sub-flooring, but we don't have the money yet for the floors. The bathrooms are almost completed. Hopefully, we will be able to rent our building again because it was in disrepair.

Mayor Mahler questioned Bob Benecke about the redevelopment zone North of Doty Road and that the property owners did not have to sell, they sold of their free will to the redeveloper. Mr. Benecke agreed, but there was one property we did broker an agreement with the property owner and developer because of an easement entanglement and parking issue. We exclude from all Resolutions and the Ordinances any eminent domain requirement or any permissive use of eminent domain. Under the statute you are suppose to identify properties that are subject to eminent domain and in our actual Ordinance we put "none" and it forecloses the governing body or the Borough in any shape or form from entering into any eminent domain. The only exception may be an environmental containment issue similar to U.S. Aluminum, but that wouldn't be for economic development purposes, it would be for the purpose of cleaning up the property. Except for that, you do not enter into eminent domain, so it will always be an arms-length transaction between the property owner and redeveloper. What we would try to do is have a grouping of significant critical mass of land and property to put in a worthwhile project similar to the North of Doty Road Project. Again, you are not forcing anyone to do anything, but you are re-zoning their building. Actually, up zoning the area to have higher better standards of use and also the conditions of residential to commercial interconnected zoning. It is an improved zoning situation and you get the benefit, not for the American Legion pro se, of the applicability of the short-term tax abatement as well.

No one will be coming in and taking eminent domain of the American Legion Building. They will negotiate with the developer if they decide to sell and if their term and condition is that they have to have a similar place within a similar location, that would be their term and/or condition of a contract.

Mr. Marsh stated he understands they can opt-out of this unless we wish to negotiate with the builder or the person who buys the land.

Vice Chairman Graceffo stated that, if you have an opportunity to enter into a conversation with some redeveloper, it may be to the advantage of not only the American Legion but also the developer. It is no different than you right now saying to us that you would like to renovate the American Legion Hall for the purpose of making it more viable as a rental to support the American Legion. If this property is part of the redevelopment act, you may be offered an opportunity to be relocated or other options may be presented to you. The other two properties on either side of the American Legion may not be included because they are owner occupied so we cannot include them directly into this redevelopment act, but they may on their own decide to be included at a later time. I believe the whole purpose in presenting this again is to understand that there is an issue that took place along this stretch of Ringwood Avenue that we are looking to make better for the community both esthetically and in ratables. That is the intent of this redevelopment act and now we are focusing on these 9 properties.

Attorney Veltri stated to the Board that it needs to focus in on our reaffirmation of what we did in 2008 and there are statutory criteria where we need to see that each of these properties falls within the criteria. Mr. Benecke presented us with a memo of which the last two pages are the statute with the criteria. If you need to investigate these properties if you don't know them then you should visit them. Mr. Benecke's report indicates that we are focusing in on statutory criteria a., d., e. and h. If those criteria still apply to these properties, well then we can reaffirm, but if they don't, we shouldn't reaffirm. The thing that struck me about Mr. Marsh's comments was he indicated that they are improving the property, which means it could be in different shape than it was in 2008. I don't know if it is or isn't, but that is something the Board needs to determine. When we are looking at what our jobs are here, I would like you to reflect on each property and what the criteria is that we want to apply to that property.

Mr. Marsh has no further questions or comments for the Board.

Vice Chairman asked if there was any one else in audience that would like to approach the Board in reference to the specific Blocks noted for redevelopment. Let the record show that no one else came forward.

Vice Chairman Graceffo opened the matter to anyone in the public who has any question or any statement they would like to make in reference to this redevelopment act. Larry Montena, 1103 & 1105 Ringwood Avenue, Haskell

I wanted to say a special note to all the firemen that put their lives on the line the night of the fire. They did a phenomenal job and want to thank them personally, along with all the fire departments that responded.

I think Mr. Marsh was mentioning that he has two lots, which are between Mr. Calabrese and myself. When you are looking at this redevelopment, I think you are catching it mid-stream. This has nothing to do with the fire and personally, I think Mr. Marsh and the members of the American Legion should maybe take and digest it and see if maybe there are only 8 properties. I have spoken to Mr. Marsh before that if his property was going up for sale, we may want to do something on our own.

We have owned our property for over 80 years and we are planning on upgrading our property, but have been put on hold for four years. I want the members that maybe were not on then to know what we have done. I want the members to reinvestigate everything. I do have to state on the record that, honestly, I think Mr. Benecke is a fine gentleman, but I don't agree with him at all. If you go back to the older statements words such as unsanitary, dilapidated, were used and people in our town have been at our facility and know it is phenomenal, neat, clean and a good reflection on Wanaque. I want him to know that the two reports he made, may be grammatically correct, but totally false when it came to our property and I am glad we are not in the redevelopment at this time. I have to agree with Mr. Marsh that this information is hard to understand and digest in an half hour. How do I invest \$125,000 in my property when we have been on hold for four years? I want to do something nice, maybe put another story on, maybe purchase a nearby property, but I don't understand why the Legion was in this redevelopment. It doesn't make sense since it is nowhere near the fire area. I think Mr. Marsh should have the right not to be in the zone if he doesn't want it.

What should I do? Should I invest \$100,000 or so in my property now? I love this town and proud of the town and want to stay here with my family and business.

Vice Chairman Graceffo believes this is something Larry should possibly look at in a positive way for the simple reason that it may end up helping you as a member of this community in terms of what your property is worth now and what it may be worth in the future. The whole idea right now of redevelopment is to take properties that are not really providing the correct ratable and with the hope of bringing people in who will be willing to invest additional monies and change the character of that particular strip of property and you need this process to get that started. It may end up where you are involved in negotiations with someone that may make you decide to possibly expand your building. Mr. Montena stated this would be good but I just want to know what is the master plan and are the buildings going to lay dormant? Is there something in the works now? Is there something concrete? Is it one, two or three years away?

Vice Chairman Graceffo stated that none of us have a crystal ball that can tell you how this can unfold. I think what the town is trying to do is lay down ground work where maybe people can come in with a reasonable interest in developing and changing the character of what is presently there to something that will be better for each of us, yourself included. To say how it is going to be laid out, no I can't say. To say when it is going to take place, we don't know. Economics plays a big part of that and that is one of the reasons why four

years ago when we initiated this redevelopment we all had hopes that it would be taking place, but the economy did not go up, it went down. People who had money withheld it. Keep in mind that we are only looking at a the need for redevelopment. Anybody that comes in to actually do something has to come back to the Planning Board with a specific plan that gives each and every community member an opportunity to comment on, and for us to determine if it is really going to be right for this community.

Mr. Montena stated that if I improved my property and put \$100,000 or \$200,000 into it to modernize and upgrade it, I just didn't want to be forced out and I was also curious about the American Legion because, in my opinion and logically if you look at the map, there is no reason for them to be in this redevelopment. What is the next step or process on this Ordinance?

Vice Chairman Graceffo stated that we are trying to determine whether or not this particular Ordinance, which is now specifically involving these 9 properties, and was based on a previous Ordinance, is consistent with what we did four years ago. We could take the position tonight and approve it and move it forward, or the Board Members may decide they need to have more time to examine it and find out more information.

Mr. Montena stated they are not opposed to anything. We just want to know what direction we are heading in and it is a logical business question being invested in this town. Thank You

Tom Carroll wanted to clarify that there is no one waiting in the wings. This is a proactive step by the Mayor and Council in bringing this to the Planning Board as a result of what happened with the fire back in April. This is the first step and the Borough has been very proactive in trying to get the actual damage cleaned up, getting those lots somewhat presentable and working with the adjacent property owners in order to fix their buildings. To reiterate what Mr. Benecke said, "no one will be forced out". There is no condemnation. There is no eminent domain.

Member Reuter questioned why the American Legion is included in this redevelopment? Is there a logic as to why that property was selected to be included that can be shared tonight? Mr. Carroll stated that we were looking at all the properties and just removed the single-family homes. We took everything else that was left. Yes, it is disjointed; however looking back four years, we originally were going all the way past Coles Avenue with the redevelopment plan.

Member Reuter questioned we originally had 33 properties and we eliminated all those that had residence and the remaining 9 are before us.

Tom Carroll stated "yes", and for this Ordinance, we drew the line at Pierce.

Mr. Benecke, with regard to Mr. Montena, even though he is not an impacted property owner, if he were to invest \$125,000 to \$200,000 mostly in exterior improvements, additions, pools, etc., and if I was he, I would want to be included because you get the short term tax abatement automatically. You make application to the Council, and if the Council agrees, he could save money (rough number of \$7,500) in the next five years succeeding his investment. He would also have one stop shopping for building permits, which is a lot cheaper, and he would have other benefits. And with respect to the American Legion

building, which is part of the properties included, it is up zoning. There is no down side for them. We do more of this work than anyone in this state and when we perfect redevelopment plans, there is very rarely a down zoning in our redevelopment plans. It is normally always an up zoning, higher density, higher uses, multi uses and here you are doing the same thing. You are increasing the value, theoretically, of the American Legion property. If they want to stay in place for the next 200 years, they stay and that is it. Also, Mr. Veltri previously mentioned about visitation of the properties. In our May 18th memo in the last paragraph on page 4, we requested the Board Members to visit the site. I believe everyone pretty much drives by this site every day, so there is no specific need to go and visit the site, except for maybe those properties mentioned by Member Slater on Brook Street. We really do think that the inclusion of the American Legion made sense from the Council's perspective, but obviously, that is your judgment call.

Barbara Potash, 1115 Ringwood Avenue, Haskell

Please clarify if the original proposal with the 31 properties is "dead in the water" and out of time for approval?

Mr. Benecke stated the short answer is "no". It really is never out of time. We just dealt with another redevelopment designation that is now 33 years old in a city, so it is never out of time, but it does need refreshment. If five years from now, we wanted to refer back to the 2007/2008 study, you would need more work done. At some point, the work is duplicative of the first work so you make the study to be null and void, but it just never goes away because the Planning Board Resolution speaks for itself. The January 2008 Planning Board Resolution, that is Exhibit B of the memo, stays there forever. What happens is that the redevelopment plans now have an effective date and a termination date. Some point, 20 or 30 years from now when that redevelopment plan is no longer in effect, than it is totally "dead" to use your word, but it is not held in abeyance. You just have to revisit the facts and refresh the study.

Ms. Potash stated that in order for a redevelopment plan to be in place, does it not also have to have a Resolution from the Mayor and Council?

Mr. Benecke answered, yes. The Council will have to pass another Resolution.

Ms. Potash stated they did not pass the old one.

Mr. Benecke answered that is correct, it just got shelved. It is in the Planning Board record and the Council never acted upon it. They want to now act upon it, and the Administration has made that recommendation, but before doing so with the redevelopment plan that was introduced, we recommend strongly that the former designation by the Planning Board be refreshed, reviewed and renewed because of the timing issues. The Council was free to designate based upon the 2008 determination by the Planning Board, but we cautioned that that is a lot of time. Four plus years is a lot of time to have elapsed and other conditions, as the gentleman from the American Legion noted, could have occurred to make these properties no longer in need of redevelopment in 2012. The Planning Board tonight will determine if these 9 properties exhibit the characteristics and satisfy the statutory criteria for redevelopment. This is what the Planning Board first does. The Council will then, on June 11th, adopt a Resolution designating this area as an area in need of redevelopment. Tonight, the Planning Board is also considering a Redevelopment Plan Ordinance that was introduced by the Council adding the SBD to these 9 properties South of Doty Road. The other properties stay in the former study and if

the Mayor & Council triggers those to be placed in a redevelopment plan, we will recommend those 22 properties or so be revisited and refreshed in terms of the investigation just like we are doing tonight. More notice, more public input and refreshment of the file.

Ms. Potash asked if Lot 4 was in a flood area? That is a good question. It is partially in a flood area. It is a C-1 stream designation. All of those three parcels (Lot 4, 4.01 and 4.02) have partial flood impacts.

Ms. Potash questioned that, if these 9 properties renovated/updated their properties, they will be entitled to abatement? Mr. Benecke said if they make application and if it is a taxable improvement, "yes", after the Redevelopment Plan is approved.

Victor Calabrese, 1111 Ringwood Avenue, Haskell

Whether we decide to be part of the redevelopment program or not, will that effect us with the re-evaluation going on? "No". No impact either way.

If we choose to be part of the redevelopment program voluntarily, does that leave us more vulnerable to eminent domain if the town should ever choose to do that? "No". Once the Borough excludes eminent domain for the record in the redevelopment plan pursuant to statute, then they are foreclosed from having eminent domain instituted whatsoever.

I am in favor of this.

I also want to commend our fire department. They were fantastic. All the departments did a fantastic job. Also, thank you Dave Slater for bringing up the property with all the trailers. Something needs to be done about that.

Vice Chairman Graceffo asked the public if anyone else wanted to address the Board. Let the record show that no one else has come forward.

MOTION TO CLOSE PUBLIC DISCUSSION: made by Member Slater, seconded by Member Reuter. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter, Ryan and Slater.

Vice Chairman Graceffo summarized that he believes we have two options on this matter. The first would be to review what has been presented to us and decide if we need more information before we come to a vote on it, or maybe you feel comfortable tonight to vote on it. My personal feeling is that we should basically look more specifically at what these 9 properties are and how they are going to be affected and what we want done. I remember being part of the 2008, and we did walk the properties and did examine what was going on. The idea for all of us here is to see that the community gets improved with better ratables and it takes not only a developer, but it takes also the community to be a part of working with those developers. Many of the owners in this particular section could directly benefit by someone coming in and trying to redevelop, not just a small portion, but a larger portion. If we have the support of the entire community that is the way you are going to entice a developer to come in here. At the same time, we have a problem right now which is a sore that needs to be addressed and the question is how soon can we move on it to get it resolved. As Tom mentioned, there is nothing in the works right now, but at the same time, we just can't sit back and hope that someone will come in. We have to be proactive and that is why I think this redevelopment memo has been presented to us. I would like to see

input from the Board Members as to what you think we should do this evening. The choices are we can approve it and give the Mayor & Council the opportunity to pass a Resolution to go along with the redevelopment, or we can decide to form a committee and allow members to look at it and come back next month and have some additional input and vote at that time.

Councilman Cortellessa has heard from Bob, members of the community, and a number of us have visited the property areas that are in need of redevelopment and there is an opportunity because of the recent fire to move forward with this. There are 9 properties identified that could benefit from redevelopment. No one is being forced to sell their property, but there is an opportunity for them to take advantage of a developer coming in to improve the area and achieve market value for their properties going forward. I see there is a benefit to the community overall to improve that area. There is a benefit to the people who are involved in those 9 properties, either to sell or not sell. I think we should go forward with this plan because it is the first step. It is the first step in a multi-step process. The next step is the Council approving it. We have to get a developer in there. Once a developer is in, they can answer some of the questions that this community raised; for example, what is it going to look like. If you get a developer coming in to say they are interested in doing something and create some renderings as to how they want to create that property, at least the community could see it to help them make any decisions. I don't really see a down side at this point. I see a benefit of us moving forward with a plan that allows us to develop the area and improve the value of the properties.

Mayor Mahler commented that if you look at the picture in the memo, two of the properties have burnt down, and two are burnt on each side of their buildings, so right there 4 out of the 9 properties are in worst shape then they were four or five years ago.

Member Slater questioned Tom about the other two buildings involved in the fire. Tom said the four-family house has the two units occupied on the south side and work is progressing to fix up the two units on the north side that were closest to the fire. All the debris has been removed and they are filling in the holes so that those will be brought up to grade level. I was informed today that the Phoenix Club is going to be six to eight months before that building is put back into service and they reopen. These two buildings were deemed structurally sound. Both property owners are aware that they must now side the buildings that were fire damaged so that aesthetically it will be better. We will keep after the property owners to make sure that the empty lots are kept clean as best we can. The property owners were very cooperative and I give Jeff Brusco a lot of credit in keeping on top of them to get the debris out of there in an expeditious manner and working with the insurance companies.

Councilman Cortellessa questioned that when people do a redevelopment as a result of fire destruction or any other destruction, are they required to put in sprinkler systems? Mr. Benecke stated now they will be. They will have to conform with the underpinnings of this Ordinance with new construction, but not pre-existing.

Tom Carroll stated that, in moving forward, the goal is taking the opportunity that has presented itself with the fire to come back and revisit and move this forward. The sooner that we get the designation done, the word goes out that Wanaque has some redevelopment areas. It may plant a seed that may not bear fruit for six months or a year, but when interest starts coming around, and people start seeing what we will be doing at the candle factory property, what we have done with Wanaque Reserve, how Ringwood Avenue is improving with new curbs and sidewalks, I am personally getting the feeling that I had back in 2003/2004 when we were developing Wanaque Reserve, that we are turning that corner again. This becomes the impetus to us being able to attract a developer and make it advantageous for him and beneficial to the community to do something South of Doty Road.

Vice Chairman Graceffo stated we have to make a decision, and I think most of us understand the reasoning behind why this is being presented this evening. I am going to suggest that a Motion be presented this evening to either approve or disapprove and I am asking Attorney Veltri to frame the Motion so you have an opportunity to understand exactly what you are voting on and then we will call for a vote, which will show what you deem important to the community and whether it is a step moving forward or a step just standing still.

What we are trying to do is determine whether or not we want to accept Ordinance 18-0-12, which basically establishes a redevelopment plan that is specific to the content of the Ordinance, which has been presented to us by Mr. Benecke. By doing this, it gives the community an opportunity to move forward with the offering of a redevelopment and at the same time gives the Council the ability to approve a Resolution for it.

MOTION TO APPROVE, REFRESH AND REAFFIRM THE JANUARY 2008 PLANNING BOARD DETERMINATION THAT CERTAIN PROPERTIES, SPECIFICALLY THOSE PROPERTIES LISTED ON PAGE 3 OF THE REDEVELOPMENT MEMO, SATISFY THE STATUTORY CRITERIA OF N.J.S.A. 40:12A-5 AND IS AN AREA IN NEED OF REDEVELOPMENT made by Councilman Cortellessa, seconded by Member Ryan. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter, Ryan and Slater.

Attorney Veltri stated that, with regard to the two Ordinances we are reviewing tonight, the Board can either make recommendations for approval or denial, or make recommendations for any changes or amendments to the Ordinances as presented.

Bob Benecke stated there are two Ordinances, but only one Ordinance for South of Doty Road so that is the second part I mentioned before. As Mr. Veltri said you could give the thumbs up, thumbs down or suggest a change or modifications to 18-0-12, if you so choose. You have just approved the study designating the area in need of redevelopment and the Ordinance is the plan.

Member Reuter questioned if the Ordinance comes with a recommendation from the Council? Mr. Benecke stated, "yes", because it was introduced unanimously.

MOTION TO APPROVE ORDINANCE 18-0-12: made by Member Slater, seconded by Councilman Cortellessa. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter, Ryan and Slater.

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

Let the record show no one appeared on behalf of this new business application.

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.

Matter is presently denied without prejudice.

Bob Benecke commented that the second Ordinance presented tonight amends the Redevelopment Plan as to the Fourth Avenue Residential Redevelopment Zone. The Mayor & Council and Planning Board convened a committee to guide the process of moving the Senior Adult Age-Restricted Housing Project along Fourth Avenue to a Non-Age Restricted Housing Project. This was accomplished over the course of the last six months. The Committee convened, met with the redeveloper, and we have developed a new Zoning Guideline and a new Zoning Ordinance under the umbrella of redevelopment. This was a previously designated redevelopment area. The study was done approximately ten years ago. The former property owner entered into an age-restricted process to have approximately 106 to 110 age-restricted units, including COAH units, placed upon this property also known as the Valley View parcel. That property ultimately was foreclosed upon by M&T Bank. M&T Bank recruited a redeveloper, which was satisfactory to the committee and the Council and the result is this Ordinance, which provides for Plan Amendment to allow for 88 units, 20% of which will be COAH units, in the Valley View Project Area. The most significant change is the standards for building development, which is the first time that we have used this in Wanaque. This is to ensure protection that, if indeed the project was going to be a “for rental situation”, sufficient investment would be made into the project and into the individual units so that it mimicked the best quality development possible for condominium or entry level townhouse type specifications. The specifications are included in the Redevelopment Plan and the Ordinance as Exhibit A. This takes the 106 to 110 units and turns it into 88 units, with 20% for affordable housing, and there are no occupancy or age restrictions. However, there is a build out and design requirements as part of the Redevelopment Plan. The Council unanimously introduced this Ordinance and will be on for final adoption on June 12, 2012. There is already a Redevelopment Plan in place, this just modifies or amends the prior Redevelopment Plan.

Tom Carroll commented that the Board Members did receive copies of a site plan and some renderings as to what the structures will look like. We have updated renderings tonight and we worked closely in committee so that there was input from the Planning Board and from the Mayor & Council to get a development that is going to be very beneficial to the community. The hope is that we can streamline the application process so that they can be back here as early as the June Planning Board Meeting. Jennifer will be giving out documents that were delivered tonight regarding this. This new developer is ready to break ground as soon as he gets approvals.

Vice Chairman Graceffo questioned where is the 88 units specified within the Ordinance itself? Mr. Benecke referred to Page 4, Section 4 which reads, "...shall be no greater than 88 total residential units."

I was directly involved with the committee on this. The intent was to try to come up with a project that was going to be suited for the community and trying to take into consideration exactly what the economic conditions out there were since adult housing was no longer viable and taking something that was now available where you can go directly into development in a short period of time with a developer can provide some benefit to the community, especially since we were able to reduce the number of units. There was also agreement as to some of the upgrades to make these particular units basically constructed on a higher scale.

Mayor Maher commented that one of the problems that we have had with developers in town is that they start the project and don't finish. Section 6B basically says if they don't get their application in, they don't start or finish, they are going to lose their approvals and the new developer has agreed to this. They want to move forward and seem very pro active to build the project.

MOTION TO APPROVE ORDINANCE 12-0-12: made by Member Reuter, seconded by Member Ryan. Voting yes were Vice Chairman Graceffo, Mayor Mahler, Councilman Cortellessa, Members Platt, Reuter, Ryan and Slater.

Attorney Veltri commented that the Board was given a preliminary site plan and normally what happens is, that before we review it, sometimes Engineer Cristaldi gives a preliminary report and then we set up a committee meeting, which I believe should happen in this matter. While the new developer is here, maybe they should hear some of Engineer Cristaldi's concerns and comments.

Engineer Cristaldi's main concern is that, it is hard for us under a new application to rely on items that are in the file from a previous application. So whatever they want to bring forward, the new developer is going to have to re-submit as part of their application whatever improvements they want to do, whether it be water drainage, sewer. You can't just expect me to go into a file and pick and choose what I think belongs to your application. Even if it is as-builts, it should be redone. Otherwise I have no record of your application. Did you make a new submittal tonight?

David Gunia, Vice President Land Acquisition, Greentree Investment Group

Our engineer MCB was the engineer who designed the plans for the previous developer. He has presented plans this evening that show the revised layout of the proposed community overlaid above the original site plans so that will give you a clear idea of the changes to be made. Together with that we could present as-builts, which are being conducted currently. They were not completed for this submission because of the weather and the surveyor was running behind. Any information that is on file in MCB's office, that was part of the original submission, can be re-submitted with our application.

Attorney Veltri asked if you are coming in on a preliminary site plan application first and then a final after the preliminary. I have not seen your application, other than the site plan, how are you applying to our Board? We submitted this evening a set of site plans for final.

Attorney Veltri stated that we normally don't do that. We are going to have to go through the entire checklist with all engineering, traffic studies, whatever you intend to produce and whatever is on our checklist has to be to us before we deem your application complete. Some developers want to come in on a preliminary and then we defer some of those issues to a final, but if you want to come in on a joint application, we need to know that the application fee has been paid, the escrows have been paid, all your engineering and reports are in. We will then review it, deem it complete and then you will be put on an agenda. We are not going to meet four times to figure out that you have everything. What needs to happen is you need to submit everything. When you feel like you have submitted everything, Jennifer will alert us, we will have a committee meeting to review it, and we will either deem it complete or incomplete. We don't want to do it piecemeal, especially when you are coming in for a final. The reason why I am doing this is that I don't want there to be any confusion and this is the way we do it.

Mr. Gunia believes we may have been a little bit confused because there was a final approval granted previously. Attorney Veltri stated that is why Engineer Cristaldi is trying to clarify that it is a new application. Engineer Cristaldi stated that nothing from the previous application really applies any more. Mr. Gunia stated they intend to use the old studies and carry them forward. Mr. Benecke stated that you could always get your professional to take that study and to refresh it like we did tonight with the redevelopment plan, but that's the process you have to go through.

Mayor Mahler commented that nothing could be done until the Ordinance has been passed and published.

Attorney Veltri advised there is a checklist for preliminary and final, which needs to be completed and met, but don't assume we are going to look back on a professional report from four years ago and say it is okay. We need to rely on updated professional reports for this new application. Tom Carroll advised that an escrow had been paid.

Engineer Cristaldi stated that you might want to talk to MCB because there were some off-site improvements that we would expect to be carried forward to this application because it really was all tied together.

Attorney Veltri advised to do a comprehensive and complete job as you can. We will meet as quickly as we can to review it and hopefully we can get you on the agenda. I am suggesting we form a Review Committee tonight since we have not done one this year. When Jennifer believes she has a full application, with all the submittals and all the checks, she will alert the Committee. The Committee should meet to review and, after the review, we will either deem it complete or incomplete. If it is incomplete, we will get back to the developer as to what is missing. Once it is deemed complete, you will be listed on an agenda for the next meeting.

REVIEW COMMITTEE: Michael Cristaldi, Steven Veltri, Ken Albert, Mark Reuter, Gilbert Foulon. Joseph Graceffo is an Alternate.

PUBLIC DISCUSSION: None

RESOLUTION: None

VOUCHERS: submitted by Steven Veltri, Esq. for attendance at the March and April Meetings totaling \$600, and on the M&T Bank Application for \$225; and submitted by Richard Alaimo Engineering Associates for Attendance at Meetings For The Period Ending 4/11/2012 and 5/9/2012 totaling \$380.

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

MOTION TO ADJOURN AT 10 P.M.: made by Vice Chairman Graceffo - Carried by a voice vote.

Jennifer A. Fiorito
Planning Board Secretary